A

TRUE COPY

OF THE

LAST WILL

AND

TESTAMENT

OF HER GRACE

SARAH, late DUCHESS DOWAGER of MARLBOROUGH:

WITH THE

CODICIL

Thereto Annexed.

The SECOND EDITION.

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A TRUE COPY OF THE *LAST WILL* AND TESTAMENT OF HER GRACE *SARAH*, late DUCHESS DOWAGER of MARLBOROUGH:

[*Price* 1 *s.* 6 *d.*]

A

TRUE COPY

OF THE

Last Will and Testament

OF HER GRACE

SARAH, late DUCHESS DOWAGER of MARLBOROUGH.

THIS is the last Will and Testament of me, *Sarah* Duchess Dowager of *Marlborough*, made this 11th Day of *August*, in the Year of our LORD 1744. *First*, My Will and Desire is, that I may be buried at *Blenheim*, near the Body of my dear Husband *John*, late Duke of *Marlborough*; and if I die before his Body is removed thither, I desire *Francis* Earl *Godolphin* to direct the same to be removed to *Blenheim* aforesaid, as was always intended.

And I direct, that my Funeral may be private, and with no more Expence than Decency requires. And I direct, that no Mourning be given to any other Persons, except to such of my Servants who shall attend at my Funeral.

Freehold Estates given to Trustees

As concerning my Eſtate, I give the ſame in Manner and Form following: That is to ſay, I do hereby give, deviſe, and bequeath unto the Right Honourable *Hugh* Earl of *Marchmont*, and *Beverſham Filmer* of *Lincoln's Inn* in the County of *Middleſex* Eſq; their Heirs and Aſſigns for ever, *All* and every my Manors, Parſonage, Rectory, Advowſons, Meſſuages, Lands, Tenements, Tythes, and Hereditaments in the ſeveral Counties of *Surry*, *Oxford*, *Buckingham*, and, *Huntingdon*, every or any of them, which were late the ſeveral Eſtates of *Richard Holditch*, *Francis Hawes*, *William Aſtell*, and *Robert Knight*, Eſqrs; or ſome of them, and which I lately purchaſed to me and my Heirs of and from the Truſtees for the Sale of the Eſtates of the late Directors of the *South Sea* Company, under the Act of Parliament in that Behalf made and paſſed in the 7th Year of the Reign of his late Majeſty King *George* the Firſt.

And alſo all and every my Manors, Advowſon, Meſſuages, Lands, Tenements, Tythes, and Hereditaments in the ſaid County of *Buckingham*, which were late the Eſtate of *Richard Hampden* Eſq; deceaſed.

And alſo my Manor, Rectory, Advowſon, Meſſuages, Lands, Tythes, and Hereditaments in

Devise of Copyhold to the same Uses as Freehold.

I give & devise all my Copyhold Mess^ts & (which I have surrendered) & all my Estate Right Title Interest & Demand in & to the said unto the Second Persons to whose Use I have herein before limited my Freehold Mess^ts. (the Freehold was limited to several persons in Strict Settlement) other than & except A & B & their Heirs (Trustees to Preserve) for such Estate & Estates & in such Course order & Manner as aforesd - (in a Settlement it would run thus) & with & under the same Powers of Leasing with Licence of the said &c

in the ſaid County of *Buckingham*, which were late, or ſome time the Eſtate of Sir *John Wittewronge* Bart. deceaſed; and my Manor, or reputed Manor, Capital Meſſuage, and Freehold Meſſuages, Lands, and Hereditaments in the ſame County, which were late, or ſome time the Eſtate of Sir *Thomas Tyrrel*, Bart. deceaſed.

And alſo my Manor, Capital Meſſuage, and Freehold and Copyhold Meſſuages, Lands, Tenements, and Hereditaments in the County of *Bedford*, which were late the Eſtate of Sir *John Meres*, Knight, (and which Copyhold Premiſſes I have ſurrendred to the Uſe of my Will.) Copyhold.

And alſo my Freehold and Copyhold Meſſuages, Lands, Tenements, and Hereditaments in the ſaid County of *Bedford*, which were late the Eſtate of *Bromſall Throckmorton*, Eſq; (and which Copyhold Premiſſes I have ſurrendred to the Uſe of my Will.)

And alſo my Manors, Capital Meſſuages, and other Meſſuages, Lands, Tenements, and Hereditaments in Poſſeſſion, and in Reverſion, in the ſaid County of *Bedford*, which were late the Eſtate of *Edward Snagg*, Eſq;

And alſo my Rectory and Tythes of *Steventon* in the ſaid County of *Bedford*, which were late the Eſtate of *Peter Floyer*, Eſq.

And alſo my Lands and Hereditaments in the ſaid County of *Bedford*, which were late the Eſtate of *John Culliford*, and *Mary* his Wife, or one of them.

And alſo my Manor, Meſſuages, Farms, Lands, and Hereditaments in the County of *Berks*, which were late the Eſtate of *Richard Jones*, Eſq; and *William Jones* his Son, or one of them.

And alſo my Manor, Capital Meſſuage, and other Meſſuages, Advowſon, Farms, Lands, Tenements and Hereditaments in the ſaid County of *Berks*, which were late the Eſtate of *Robert Packer*, Eſq;

And alſo my Meſſuage, Lands, and Hereditaments in the ſaid County of *Berks*, which were late the Eſtate of *Thomas Bedford*, Clerk, and *Temperance Bedford*, his Mother, or one of them.

And alſo my Manor, Meſſuage, Farm, Lands and Hereditaments in the ſaid County of *Oxford*, which were late the Eſtate of Sir *Cecil Biſhop*, Bart.

And alſo my Manors, or reputed Manors, Capital Meſſuages, Rectory, Advowſons, Meſſuages, Lands, Tenements, Tythes, and Hereditaments in the County of *Northampton*, which were late the Eſtate of Mrs. *Elizabeth Wiſeman*,

man (except ſuch Part of one of the ſaid Eſtates as I have ſold to *Humphry Bradford*, Clerk.)

And alſo all my Manor, or reputed Manor, Capital Meſſuage, Advowſon, Park, Lands, Tenements, and Hereditaments in the ſaid County of *Northampton*, which were late the Eſtate of Sir *William Norwich*, Bart.

And alſo my Manor, Capital Meſſuage, Advowſons, Parks, Lands Tenements, and Hereditaments in the ſaid County of *Northampton*, which were ſome time the Eſtate of *Nathaniel* Lord *Crew*, Lord Biſhop of *Durham*, deceaſed.

And alſo all that my Eſtate late or ſome time of Mr. *Robotham*, in or near *St. Albans* in the County of *Hertford* (except ſuch Part thereof as by Indenture, bearing Date on or about the ſecond Day of *June* 1736, I have among other Things bargain'd and ſold unto *Daniel* Earl of *Winchelſea* and *Nottingham*, Sir *Thomas Reeve*, Knt. ſince deceaſed, *Walter Plummer* of *Cavendiſh Square* in the County of *Middleſex*, Eſq; and *James Stephens* of the City of *Weſtminſter*, Doctor in Phyſick.)

And alſo my Manors, Capital Meſſuage, and other Meſſuages, Advowſons, Lands, Tenements, Tythes, and Hereditaments, Freehold and Copyhold, in the County of *Stafford*, which were late the Eſtate of *Thomas* Lord Viſcount *Fauconberg*,

Fauconberg (and which Copyhold Premiſſes I have ſurrender'd to the Uſe of my Will.)

And alſo my Manor, Right of Patronage, Capital Meſſuage, and other Meſſuages, Lands, Tenements, and Hereditaments, Freehold and Copyhold, in the County of *Norfolk*, which were late the Eſtate of *Gabriel Armiger*, Eſq; and which Copyhold Premiſſes I have ſurrendred to the Uſe of my Will.

And alſo my Manor, or reputed Manor, Rectory, Tythes, Meſſuages, Farms, Lands, Tenements and Hereditaments in the County of *Leiceſter*, and the ſaid County of *Northampton*, which were late the Eſtate of Sir *Thomas Cave*, Bart. and Dame *Elizabeth* his Wife, or one of them: (But the ſaid Manors, Meſſuages, Lands and Hereditaments in the Counties of *Bedford* and *Huntingdon*, which were late the Eſtates of Sir *John Meres*, Knt. and *William Aſtell*, Eſq; are to be ſubject nevertheleſs, and charged as the ſame are made ſubject, and charged by Indenture of Settlement, dated the 13th Day of *February*, in the Year of our Lord 1733, made previous, and in order to the Marriage of my Grandſon *John Spencer*, Eſq; with *Georgina Carolina*, his now Wife, Daughter of *John* Lord *Carteret*:) And all other my Manors, and Freehold and Copyhold Meſſuages, Lands,

Tenements

Tenements and Hereditaments whatſoever, in the ſaid ſeveral Counties of *Surry*, *Oxford*, *Huntingdon*, *Buckingham*, *Bedford*, *Berks*, *Northampton*, *Hertford*, *Stafford*, *Norfolk*, and *Leiceſter*, every, or any of them, or elſewhere, with their Appurtenances, not by me otherwiſe diſpoſed of, *To have and to hold* the ſaid Manors, Rectories, Advowſons, Meſſuages, Farms, Lands, Tenements, Tythes, Hereditaments and Premiſſes herein before deviſed or mentioned ſo to be, with their Appurtenances (except before excepted) unto the ſaid *Hugh* Earl of *Marchmont*, *Beverſham Filmer*, and their Heirs for ever; To the Uſe of them and their Heirs, upon the Truſts, and under and ſubject to the Powers, Proviſoes, and Limitations herein after expreſſed and declared of and concerning the ſame; that is to ſay, *In the firſt place*, to the Intent and Purpoſe that *John Spencer*, the Son of my ſaid Grandſon *John Spencer*, may have, receive, and take annually, from the Time that he ſhall have attained the Age of 20 Years (if his Father ſhall be then living) for and during the joint natural Lives of himſelf, and his ſaid Father, one Annuity, or yearly Rent-Charge of 2000 *l.* of lawful Money of *Great Britain*, to be iſſuing and going out of and charged upon the ſame Premiſſes, and every

In Tout.

for an Annuity of £2000 pr. John Spencer the Son.

every Part thereof; the ſame to be paid by equal quarterly Payments at the four moſt uſual Feaſts, or Days of Payment in every Year; that is to ſay, the Feaſt of the Annunciation of the bleſſed Virgin *Mary*, of the Nativity of St. *John* the Baptiſt, of St. *Michael* the Arch-Angel, and of the Birth of our Lord *Chriſt*, without any Deduction or Abatement thereout, for or by reaſon of any Taxes, Charges, or Impoſitions impoſed, or to be impoſed, by Authority of Parliament, or otherwiſe howſoever: And if the ſame, or any Part thereof, ſhall be behind and unpaid by the Space of twenty Days next after any of the ſaid Feaſts or Days of Payment in the Year, on which the ſame ought to be paid as aforeſaid (being lawfully demanded) That then and ſo often it ſhall and may be lawful to and for the ſaid *John Spencer* the Son, during the joint Natural Lives of himſelf and his ſaid Father, into and upon the ſame Manors, Meſſuages, Lands, Tenements, and Hereditaments chargeable therewith, or any of them, or any Part thereof, to enter and diſtrain for the ſame; and the Diſtreſs and Diſtreſſes then and there found, to detain and keep until he ſhall be fully paid and ſatisfied all ſuch Arrearages, with Coſts and Charges, in and about the making and keeping thereof. And in Caſe the ſaid Annuity,

nuity, or yearly Rent-Charge of 2000*l.* or any Part thereof, ſhall be behind and unpaid for the Space of 40 Days next over or after any of the ſaid Days of Payment, whereon the ſame ought to be paid as aforeſaid; That then and ſo often it ſhall and may be lawful to and for the ſaid *John Spencer* the Son, during the joint Natural Lives of himſelf and his ſaid Father, into all and ſingular the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments charged therewith as aforeſaid, or any Part thereof, to enter; and the Rents, Iſſues and Profits thereof, to receive and take, until he therewith and thereby, or by the Perſon or Perſons who ſhall be then entitled to the immediate Poſſeſſion of the ſaid Manors, Meſſuages, Lands, Tenements, and Hereditaments, be paid and ſatisfied the ſame and every Part thereof; and all the Arrears thereof incurred before, and that ſhall incur during ſuch Time as he ſhall receive the Rents, Iſſues, and Profits thereof, or be intitled to receive the ſame, by virtue of ſuch Entry to be made as aforeſaid, together with his Coſts, Damages, and Expences laid out and ſuſtained, by reaſon of the Non-payment thereof, or any Part thereof.

And whereas the late Duke of *Marlborough* hath by his Will impowered and directed his Recital of the D. of Marlborough's Will.

Truſtees in the ſaid Will named, and Survivors and Survivor of them, and the Heirs and Aſſigns of ſuch Survivor, on the Birth of each, and every Son then after to be born of *Charles Spencer*, (now *Charles* Duke of *Marlborough)* and of others in the ſaid Will named, by Deeds atteſted by two or more credible Witneſſes, to revoke and make void the reſpective Uſes limited to ſuch reſpective Sons in Tail Male, and in lieu thereof to limit the Premiſſes in the ſaid Will mentioned (except as therein is excepted,) to the Uſe of ſuch Sons for their Lives, without Impeachment of Waſte, with immediate Remainders to the reſpective Sons of ſuch Sons ſeverally and reſpectively in Tail Male, according to the Seniority of ſuch Sons.

The Court of Chancery has since deemed the foregoing recit clause Illegal as tending to a perpetuity & that Decree was affirmd in the House of Lords.

And the Court of Chancery having been applied to for Directions in this Matter, but not having as yet given any: And I being minded to preſerve, as far as in me lieth, the Remainders in the ſaid Duke of *Marlborough*'s Will limited, from being defeated or barred, do therefore to that Intent and Purpoſe direct, that the ſaid *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, and the Survivor of them, and the Heirs of ſuch Survivor, do, and ſhall out of the Rents, Iſſues and Profits of the Premiſſes ſo limited to them as aforeſaid, raiſe and pay the clear yearly

Sum

Sum of three thouſand Pounds over and above all Deductions for or by reaſon of any Taxes, Charges, or Impoſitions impoſed, or to be impoſed by Authority of Parliament, or otherwiſe howſoever, by four equal Quarterly Payments at the aforeſaid Feaſts, to and for the Uſe of ſuch of the Sons or Grandſons of the ſaid *Charles* Duke of *Marlborough* born, or to be born, as ſhall ſucceſſively for the time being be next and immediately intitled as Tenant in Tail in Remainder, after the Death of the ſaid *Charles* Duke of *Marlborough*, to the Eſtate of *John* late Duke of *Marlborough*, by virtue of his Will; which ſaid Annuity or yearly Sum ſhall commence, and be paid to ſuch Son or Grandſon for the Time being, from and after his attaining the Age of twenty Years, during the joint Lives of the ſaid *Charles* Duke of *Marlborough*, and ſuch Son or Grandſon for the Time being.

£3000 pr Ann given to whomsoever shall be entitled under the D. of Marlbo. will provided

Provided nevertheleſs, that if any ſuch Son or Grandſon, intitled to ſuch Annuity or yearly Payment as aforeſaid, ſhall, during the Life of the ſaid *Charles* Duke of *Marlborough*, do or ſuffer, or covenant or agree to do, or ſuffer, any Act, whereby all or any of the Eſtates, Remainders, Limitations, or Uſes in the ſaid late Duke of *Marlborough*'s Will declared or expreſſed, may be defeated or barred; then, and

They do nothing to defeat the purposes of the

 in

in ſuch Caſe, the Annuity or yearly Sum of three thouſand Pounds hereby limited, ſhall from thenceforth for ever ceaſe and be void, not only in reſpect to the Son or Grandſon of the ſaid *Charles* Duke of *Marlborough*, doing or ſuffering ſuch Act as aforeſaid, but in reſpect to every other Son and Grandſon of the ſaid *Charles* Duke of *Marlborough*.

a power to make a Jointure out of this £3000 p.a.

✝ *Provided* alſo, and it is my Will, That if any Son of the ſaid *Charles* Duke of *Marlborough*, ſhall become intitled to the ſaid Annuity in Poſſeſſion by virtue of this my Will and ſhall in the Life-time of the ſaid *Charles* Duke of *Marlborough* marry, and attain his Age of twenty-one Years, and ſhall not have done or ſuffered, or agree to do or ſuffer, any Act whereby the ſaid Annuity hereby to him limited, is by this my Will to ceaſe or be void; then, and in ſuch Caſe, it ſhall and may be lawful to and for ſuch Son, in the Life-time of the ſaid *Charles* Duke of *Marlborough*, by any Deed duly executed, and atteſted by three or more credible Witneſſes, with the Conſent of the ſaid *Hugh* Earl of *Marchmont*, and *Beverſham Filmer*, or the Survivor of them, or his Heirs, ſignified by their or his ſealing and executing of ſuch Deed, to limit or appoint to be paid out of my ſaid Eſtates charged with the

ſaid

+ provided also & I do hereby further declare my Will to be that in such Settlement so to be made by the sd A B ~~and~~ his Heirs & Ass pursuant to the Trusts hereby declared as aforesd there shall be inserted & contained such the same Powers for enabling the sd A & & sd Ass respectly as & when they shall respectly come into posst of any the sd Manors &c to grant & appoint such Rents Charges for the Jointure or Jointures of their Respective Wives & such Means & Remedies for securing the payment thereof & to grant such Leases of the Premises aforesd or any part thereof for such Term or Number of Years in such Manner & under such Restrictns as aforesd as are herein before by me given & reserved to the sd J M & C M. as aforesd.

ſaid Annuity or Payment of three thouſand Pounds yearly, any Annuity or yearly Payment not exceeding fifteen hundred Pounds *per Ann.* clear of all Taxes and Charges, to be paid by ſuch quarterly Payments as aforeſaid, to any Woman with whom he ſhall intermarry, *to hold* the ſaid Annuity from and after her Huſband's Death, during her Life.

Provided always, That if ſuch Son of the ſaid *Charles* Duke of *Marlborough*, who ſhall make ſuch Appointment, ſhall afterwards happen to ſurvive the ſaid *Charles* Duke of *Marlborough*; *then*, and in ſuch Caſe, the ſaid Appointment of ſuch Annuity for ſuch Woman ſhall be void, and the ſame Annuity ſhall not take place.

Provided alſo, and it is my Will, That my ſaid Eſtates ſhall never be chargeable with the Payment of more than one ſuch Annuity, as a Proviſion for any ſuch Woman, at one and the ſame time.

And as to all my ſaid Manors, Lands, Tenements, Hereditaments, and Premiſſes herein before deviſed to my ſaid Truſtees *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, ſubject to the ſaid Annuities, Powers, and Proviſions herein before mentioned; *I will*, direct, and deviſe the ſame to be *in Truſt* for my ſaid Grand-

In Trust for Josepheus the Grandson for Life

ſon

ſon *John Spencer*, and his Aſſigns, for and during the Term of his Natural Life, without Impeachment of Waſte; and from and after the Determination of that Eſtate, *to the Uſe* of the ſaid *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, and their Heirs, during the Natural Life of the ſame *John Spencer*, *in Truſt* to ſupport and preſerve the contingent Uſes and Eſtates herein after limited, from being defeated or deſtroyed; *and* for that Purpoſe to make Entries, or bring Actions, as the Caſe ſhall require: Yet nevertheleſs to permit and ſuffer the ſame *John Spencer* and his Aſſigns, during his Life, to receive and take the Rents and Profits thereof, and of every Part thereof, to and for his and their own Uſe and Benefit; and from and after his Deceaſe, *in Truſt* for the ſaid *John Spencer*, the Son of my ſaid Grandſon *John Spencer*, and his Aſſigns, for and during the Term of his natural Life, without Impeachment of Waſte.

To J Spencer the Son for Life

And from and after the Determination of that Eſtate, *to the Uſe* of the ſaid *Hugh* Earl of *Marchmont*, and *Beverſham Filmer*, and their Heirs, during the natural Life of the ſaid *John Spencer* the Son, *in Truſt* to ſupport and preſerve the contingent Uſes and Eſtates, herein after limited, from being defeated or deſtroyed,

ſtroyed ; and for that Purpoſe to make Entries, or bring Actions, as the Caſe ſhall require : *Yet* nevertheleſs to permit and ſuffer the ſaid *John Spencer* the Son, and his Aſſigns, during his Life, to receive and take the Rents and Profits thereof, and of every Part, to and for his and their own Uſe and Benefit.

And from and after his Deceaſe, *in Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Son and Sons of the Body of the ſaid *John Spencer* the Son, lawfully to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age and Priority of Birth ; and the ſeveral and reſpective Heirs Male of the Body, and Bodies of all and every ſuch Son and Sons, lawfully iſſuing ; the Elder of ſuch Sons, and the Heirs Male of his Body, to be always preferr'd, and to take before the younger of ſuch Son and Sons, and the Heirs Male of his and their Body and Bodies iſſuing.

to the 1st & every other Son of ſd Spencer the Son.

And for Default of ſuch Iſſue, *in Truſt* for all and every other the Son and Sons of the Body of my ſaid Grandſon, *John Spencer*, lawfully begotten, or to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be

to the 1st & every other the Son of ſd Spencer the Grandson

be in Seniority of Age and Priority of Birth, and the ſeveral and reſpective Heirs Male of the Body and Bodies of all and every ſuch Son and Sons lawfully iſſuing; the Elder of ſuch Sons, and the Heirs Male of his Body, to be always preferred, and to take before the Younger of ſuch Son and Sons, and the Heirs Male of his and their Body and Bodies iſſuing.

To the Daughters of both the Son & Grandson. & Son as Tenants in Common.

And for Default of ſuch Iſſue, *in Truſt* for all and every the Daughter and Daughters of the Body of my ſaid Grandſon *John Spencer* lawfully begotten, or to be begotten, and all and every the Daughter and Daughters of the Body of the ſaid *John Spencer* the Son lawfully to be begotten, to be equally divided between or among them, (if more than one) Share and Share alike, to take as Tenants in common, and not as joint Tenants, and the ſeveral and reſpective Heirs of the Bodies of all and every ſuch Daughter and Daughters lawfully iſſuing,

These shares to Survive

And in caſe one or more of ſuch Daughters ſhall happen to die without Iſſue of her or their Body or Bodies; *Then* as to the Share or Shares of her or them ſo dying without Iſſue, *in Truſt* for the Survivors or Survivor, and others or other of them, to be equally divided between or among them (if more than one) Share and

Share

Share alike, to take as Tenants in common, and not as joint Tenants, and the ſeveral and reſpective Heirs of the Bodies of ſuch Survivors or Survivor, and others or other of them. And if all ſuch Daughters but one ſhall happen to die without Iſſue of their Bodies, or if there ſhall be but one ſuch Daughter, *in Truſt* for ſuch ſurviving or only Daughter, and the Heirs of her Body.

And for Default of ſuch Iſſue, *then in Truſt* for ſuch Perſon and Perſons, and for ſuch Eſtates and Eſtates, Uſes, Intents, and Purpoſes, as I ſhall by my Will, Codicil, or other Writing, by me to be ſigned in the Preſence of three or more credible Witneſſes, declare, direct, limit, or appoint.

and in Default & Subject to future appointment

And my Will is, That all my Houſhold Goods and Furniture, which at the Time of my Deceaſe, ſhall be in the aforeſaid Meſſuage in the County of *Oxford*, which I purchaſed of Sir *Cecil Biſhop*, Bart. ſhall be deemed as Heir-Looms, and for ever be enjoyed, as far as the Law will admit, by the Perſon and Perſons who for the Time being ſhall be in Poſſeſſion of or intitled to the Rents and Profits of the ſame Meſſuage by virtue of this my Will.

Furniture to be deemed as Heir Looms

And whereas by Indenture bearing Date on or about the 25th Day of *November*, which

Leasehold for Lives

 was

was in the Year of our Lord 1729, the Dean and Chapter of the Cathedral and Metropolitical Church of *Christ*, *Canterbury*, for the Considerations therein mentioned, did lease or grant unto me the Scite or Court-Lodge of the Manor of *Agney*, in the Parishes of *Old Romney* and *Midley* in *Romney-Marsh* in the County of *Kent*, and the several Houses, Barns, Buildings, Lands, Tenements, and Hereditaments in the said Indenture of Lease particularly mentioned and described, All which were formerly the Leasehold Estate of my late Mother; *To hold* the same to me, my Heirs and Assigns, for and during the three Lives therein named, and the Life of the longest Liver of them, subject to the Rents and Covenants in the same Lease reserved and contained, and which on the Lessees Part are to be paid, done, and performed:

Now I do hereby give, devise, and bequeath the said Scite and Court-Lodge, Houses, Barns, Buildings, Lands, Tenements, Hereditaments and Premisses, comprized in the said Lease; and all my Renewable and other Estate, Term and Interest therein:

Lease for years.

And also my Lands, Tythes, and Estate in the said County of *Buckingham*, which I hold by Lease for Yeats of the City of *Lincoln*;

And

And alſo all other my Leaſehold Eſtates (except ſuch of them as I ſhall otherwiſe diſpoſe of by this my Will, or by any Codicil or Codicils to be by me made thereto) unto, and to the Uſe of the ſaid *Hugh* Earl of *Marchmont*, and *Beverſham Filmer*, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, during the Continuance of the ſame reſpective Leaſe; *in Truſt* nevertheleſs for ſuch Perſon and Perſons, and for ſuch Eſtates and Intereſts, and in ſuch Proportions and Manner, and under and ſubject to ſuch Powers, Reſtrictions, and Limitations as are herein before expreſſed, limited, and declared or directed, of and concerning the ſaid herein before deviſed Freehold Manors, Lands, and Hereditaments, as near thereto as may be, and the Nature of the ſaid ſeveral and reſpective Leaſehold Eſtates will admit of: *To the End* that the ſame Leaſehold Eſtates and Premiſſes, may be held and enjoyed, and go along with the ſaid Freehold Eſtates and Premiſſes, ſo long as may be, and the Laws of *England* will permit.

Power to Trustees to renew the Leases.

And my Will is, and I do hereby deſire and direct, That the reſpective Leaſes which I now have, or may have at the Time of my Deceaſe, of and in the ſaid Leaſehold Premiſſes reſpectively, ſhall and may, from Time to Time,

when and ſo often as Occaſion ſhall require, (and that the ſame can be done on reaſonable and equitable Terms) be renewed and filled up, by and out of the Rents and Profits of the ſame Premiſſes, or ſome Part thereof, in the Names or Name of my ſaid Truſtees, *Hugh* Earl of *Marchmont*, and *Beverſham Filmer*, or the Survivor of them, or his legal Repreſentative. And that all new and other Leaſes, at any Time or Times hereafter to be had or obtained of the ſame Premiſſes reſpectively, ſhall at any Times then during the Continuance thereof, reſpectively remain, continue, and be upon the like Truſts, and under and ſubject to the like Powers, Reſtrictions, and Limitations as are herein before expreſſed and directed, or referred unto and concerning the ſaid ſeveral Leaſes now in being, of and in the ſame Premiſſes reſpectively, or as near thereto as may be, and the Law of *England* will permit.

Houses at Wimbledon

Item, I do hereby give, deviſe, and bequeath unto the ſaid *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, their Heirs and Aſſigns, *All* that my Manor of *Wimbledon*, with the Appurtenances thereof, in the ſaid County of *Surry*, and the Capital Meſſuage or Manſion-Houſe lately built at *Wimbledon* in the ſame

ſame County. And all my Freehold Meſſuages, Farms, Lands, Hereditaments, and Eſtate in or near *Wimbledon* aforeſaid, which were late the Eſtate of Sir *Theodore Janſſen*, Bart. (and which I have purchaſed to me and my Heirs of the Truſtees for the Sale of the Eſtates of the late Directors of the *South Sea* Company.)

And alſo all my Leaſehold Rectory or Parſonage of *Wimbledon* aforeſaid, with the Houſes, Buildings, Tythes, Hereditaments, and Appurtenances thereunto belonging, or appertaining, or therewith uſed, or enjoyed, or reputed as Part thereof, (which ſaid Rectory or Parſonage, and other the ſaid laſt mentioned Premiſſes, are held of the Dean and Chapter of *Worceſter* by Leaſe of three Lives, and were late alſo Part of the Eſtate of the ſaid Sir *Theodore Janſſen*, and were purchaſed of the ſaid Truſtees for the Sale of the ſaid late Directors Eſtates by *Henry Meriton*, (of whom I lately purchaſed the ſame.)

Leasehold Rectory.

And alſo all my renewable and other Eſtate and Intereſt therein, *To have and to hold* the ſaid laſt mentioned Manor, Capital Meſſuage, Rectory or Parſonage, Meſſuages, Farms, Lands, Tenements, Tythes, Hereditaments, and Premiſſes, with their Appurtenances unto

and

and to the Uſe and Behoof of the ſaid *Hugh* Earl of *Marchmont*, and *Beverſham Filmer*, their Heirs and Aſſigns, during the Continuance of my ſeveral Eſtates and Intereſts in the ſame Premiſſes reſpectively; *upon the Truſts* nevertheleſs, and to and for the Intents and Purpoſes, and under and ſubject to the Powers, Reſtrictions, and Limitations herein after mentioned and expreſſed, of and concerning the ſame Premiſſes reſpectively; that is to ſay, *in Truſt* for my ſaid Grandſon *John Spencer* and his Aſſigns, for and during the Term of his Natural Life, without Impeachment of Waſte, (except Waſte in the ſaid Capital Meſſuage, with the Buildings, Gardens, and Appurtenances thereunto belonging, and in the ſaid laſt mentioned Leaſehold Premiſſes.)

to J Spencer the Grandson for L.

And from and after the Determination of that Eſtate, *To the Uſe* of the ſaid *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, and their Heirs, during the Natural Life of the ſame *John Spencer*; *in Truſt* to ſupport and and preſerve the contingent Uſes and Eſtates herein after limitted from being defeated or deſtroyed.

To Trustees to preserve &c

And from and after his Deceaſe, *in Truſt* for the ſaid *John Spencer* the Son, and his Aſſigns, for and during the Term of his Natural Life

to J Spencer the Son for L.

Life, without Impeachment of Waste, (except as before is excepted.)

And from and after the Determination of that Estate, *To the Use* of the said *Hugh* Earl of *Marchmont* and *Beversham Filmer*, and their Heirs, during the Natural Life of the said *John Spencer* the Son, *In Trust*, to support and preserve the contingent Uses and Estates herein after limited from being defeated or destroyed.

To Trustees

And from and after his Decease, *In Trust* for the second, third, fourth, fifth, and all and every other the Son and Sons of the Body of him the said *John Spencer* the Son, lawfully to be begotten, severally, successively, and in Remainder, one after another, as they and every of them shall be in Seniority of Age, and Priority of Birth; and the several and respective Heirs Male of the Body and Bodies of all and every such Son and Sons lawfully issuing; the elder of such Sons, and the Heirs Male of his Body to be always preferred, and to take before the younger of such Son and Sons, and the Heirs Male of his and their Body and Bodies issuing.

to the 2d & other Sons of J Spencer the Son in Tail

And for Default of such Issue, *In Trust* for the second, third, fourth, fifth, and all and every other the Son and Sons of the Body of my

In default of such Issue to the 2d & other Sons of J Spencer the Guardian in Tail

my ſaid Grandſon *John Spencer*, lawfully begotten, or to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age, and Priority of Birth, and the ſeveral and reſpective Heirs Male of the Body and Bodies of all and every ſuch Son and Sons lawfully iſſuing; the elder of ſuch Sons, and the Heirs Male of his Body, to be always preferred, and to take before the younger of ſuch Son and Sons, and the Heirs Male of his and their Body and Bodies iſſuing.

e in default of ſuch Iſſue. the 1st & other Daughs of J Spencer the Grandſon in Tail.

And for Default of ſuch Iſſue, *In Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of my ſaid Grandſon *John Spencer*, lawfully begotten, or to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age, and Priority of Birth, and the ſeveral and reſpective Heirs Male of the Body and Bodies of all and every ſuch Daughter and Daughters lawfully iſſuing; the Elder of ſuch Daughters, and the Heirs Male of her Body, to be always preferred, and to take before the younger of ſuch Daughter and Daughters, and the Heirs Male of her and their Body and Bodies iſſuing.

And

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And for Default of ſuch Iſſue, *In Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of the ſaid *John Spencer* the Son, lawfully to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age, and Priority of Birth; and the ſeveral and reſpective Heirs Male of the Body and Bodies of all and every ſuch Daughter and Daughters lawfully iſſuing; the elder of ſuch Daughters, and the Heirs Male of her Body to be always preferred, and to take before the younger of ſuch Daughter and Daughters, and the Heirs Male of her and their Body and Bodies iſſuing.

In default of ſuch Iſſue to the other Daughters of J Spencer the Son in Tail.

And for Default of ſuch Iſſue, *In Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Son and Sons of the Body of the ſaid *John Spencer* the Son, lawfully to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age, and Priority of Birth, and the ſeveral and reſpective Heirs of the Body and Bodies of all and every ſuch Son and Sons, lawfully iſſuing; the elder of ſuch Sons, and the Heirs of his Body, to be always preferred and to take before the younger

In Default of ſuch Iſſue to the other Sons of J Spencer the Son in Tail

of ſuch Son and Sons, and the Heirs of his and their Body and Bodies iſſuing.

In Default of ſuch Iſſue to the 2d other Sons of J. Spencer the Grandſon in Tail

And for Default of ſuch Iſſue, *In Truſt* for the ſecond, third, fourth, fifth, and all and every other the Son and Sons of the Body of my ſaid Grandſon *John Spencer* lawfully begotten, or to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age and Priority of Birth, and the ſeveral and reſpective Heirs of the Body and Bodies of all and every ſuch Son and Sons lawfully iſſuing; the elder of ſuch Sons, and the Heirs of his Body to be always preferred, and to take before the younger of ſuch Son and Sons, and the Heirs of his and their Body and Bodies iſſuing.

In Deft of ſuch Iſſue to the 1st other Daughs of J. Spencer the Grandſon in Tail

And for Default of ſuch Iſſue, *In Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of my ſaid Grandſon *John Spencer*, lawfully begotten, or to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age, and Priority of Birth, and the ſeveral and rèſpective Heirs of the Body or Bodies of all and every ſuch Daughter and Daughters lawfully iſſuing; the elder of ſuch Daughters and the Heirs of her Body, to be always preferred

ferred, and to take before the younger of ſuch Daughter and Daughters, and the Heirs of her and their Body and Bodies iſſuing.

And for Default of ſuch Iſſue, *in Truſt* for the firſt, ſecond, third, fourth, fifth, and all and every other the Daughter and Daughters of the Body of the ſaid *John Spencer* the Son lawfully to be begotten, ſeverally, ſucceſſively, and in Remainder, one after another, as they and every of them ſhall be in Seniority of Age and Priority of Birth, and the ſeveral and reſpective Heirs of the Body and Bodies of all and every ſuch Daughter and Daughters lawfully iſſuing, the Elder of ſuch Daughters, and the Heirs of her and their Body and Bodies iſſuing.

In Defaut of ſuch Iſſue to the ſeve other Daugr. of J Spencer the Son in Tail

And for Default of all ſuch Iſſue, *in Truſt* for ſuch Perſon or Perſons, and for ſuch Eſtate and Eſtates, Uſes, Intents, and Purpoſes as I ſhall by any Will, Codicil, or other Writing by me to be ſigned in the Preſence of three or more credible Witneſſes declare, direct, limit or appoint.

In Defaut of all ſuch Iſſue Subject to future appoint

And my Will is, That all the Houſhold Goods, Pictures and Furniture, that ſhall be in my ſaid Capital Meſſuage, Buildings, and Gardens at *Wimbledon*, at the Time of my Deceaſe, (except ſuch of them as I ſhall other-

Goods & c. at Wimbledon to be Heir Looms

wiſe diſpoſe of by this my Will, or by any Codicil or Codicils to be by me made thereto) ſhall be deemed as Heir-Looms, and for ever be enjoy'd as far as the Law will admit, by the Perſon and Perſons who for the Time being ſhall be in Poſſeſſion of or entitled to the Rents and Profits of the ſame Capital Meſſuage and Premiſſes, by virtue of this my Will.

Executors to make an Inventory of Goods.

And my Will is, and I do hereby order and direct, that ſo ſoon as conveniently may be after my Deceaſe, my Executors herein after named do cauſe a perfect, true and exact Schedule or Inventory to be made and taken of all the ſaid Houſhold Goods, Pictures, and Furniture, which are to continue and remain and be uſed in the ſame Capital Meſſuage, Buildings, and Gardens, according to this my Will.

Receipt to be given for the Goods

And that the ſaid *John Spencer* the Father, and *John Spencer* the Son, and all and every other Perſon and Perſons reſpectively, who by virtue of this my Will are to have the Uſe of the ſaid Goods, ſhall at or before the Time of taking Poſſeſſion thereof, give a Receipt for the ſame under their reſpective Hands, at the Foot of the ſaid Inventory.

Arrears of the Rectory to be ſcreened out of the Rents & Profits &c

And my Will is, and I do hereby further order and direct, that the Leaſe which I now have, or may have at the Time of my Deceaſe, of

of and in the ſaid Rectory or Parſonage, and laſt-mentioned Leaſehold Premiſſes, ſhall and may from Time to Time, when, and ſo often as Occaſion ſhall require, (and that the ſame can be done on reaſonable and equitable Terms) be renewed and filled up, by and out of the Rents and Profits of the ſame Premiſſes; or ſome Part thereof, in the Name or Names of my ſaid Truſtees, or of the Survivor of them, his Heirs or Aſſigns.

And that all new, or other Leaſes, at any time or times hereafter to be had or taken of the ſame Premiſſes, ſhall at all times then after, during the Continuance thereof, reſpectively remain, continue, and be upon the like Truſts, as are by me herein before expreſſed, and declared, or directed of and concerning the now ſubſiſting Leaſe of the ſame Premiſſes, or as near thereto as may be, and the Laws of *England* will permit.

to the former purposes

Provided always, and my Will is, That it ſhall, and may be lawful to, and for my ſaid Grandſon *John Spencer* and *John Spencer* his Son reſpectively, as and when they ſhall reſpectively come unto, and be in the actual Poſſeſſion of my ſaid herein before deviſed Eſtates and Premiſſes, or any Part thereof, or be actually intitled to the Rents and Profits thereof,

Power of Leasing.

of, or of any Part thereof, by Indenture under their respective Hands and Seals, to demise or lease the same, or such Part, or Parts thereof, whereof they shall respectively be in the actual Possession, or to the Rents and Profits whereof they shall be respectively intitled (except the said Capital Messuage, which I have lately built at *Wimbledon* aforesaid, and the Buildings, Gardens, and Appurtenances thereunto belonging, or to be therewith used and enjoyed) unto any Person, or Persons, for any Term or Number of Years not exceeding one and twenty Years in Possession, and not in Reversion, Remainder, or Expectancy; so as upon every of such Leases there be reserved, and made payable during the Continuance thereof respectively, the best improved yearly Rent can be reasonably had for the same, without taking any Sum, or Sums of Money, or other Thing by way of Fine, or Income, for or in respect of such Lease, or Leases; and so as none of the said Leases be made dispunishable of Waste by any express Words therein to be contained. And that in every of such Leases there be contained a Clause of Reentry for Non-payment of the Rent or Rents to be thereby respectively reserved; and that such Lessee, and Lessees, to whom such Lease,

or

or Leaſes, ſhall be made, ſeal and deliver Counterparts of ſuch Leaſe, and Leaſes.

Provided always, and my Will is and I do hereby expreſsly declare, That in caſe my ſaid Grandſon *John Spencer* ſhall at any time after my Deceaſe, on any account whatſoever, become bound as Surety with, or for any Perſon or Perſons whatſoever, unto any Perſon or Perſons, for any Sum, or Sums of Money, or for any Debt, or Debts whatſoever, of any Perſon or Perſons whatſoever; or if he or any Perſon, or Perſons in Truſt for him, ſhall accept, or take from any King or Queen of theſe Realms, any Penſion, or any Office, or Employment, Civil or Military, (except the Rangerſhip and Office, or Place of Keeper of *Windſor* Great Park, and the Rangerſhip and Office, or Place of Keeper of the Little Park at *Windſor*) *Then*, and in either of the ſaid Caſes, from thenceforth all and every the Uſes, Eſtates, and Truſts by me herein limited, and expreſſed, or directed, of and concerning my ſeveral Eſtates hereby deviſed, every, or any Part thereof unto, or to the Uſe of, or in Truſt for the ſame *John Spencer*, and all and every the Powers and Authorities to him by me hereby given, or directed to be given, ſhall ceaſe, and be void to all Intents and Purpoſes,

Conditions on which These Estates are to be void

as

as if the ſame *John Spencer* were actually dead: And then alſo, and in either of the ſaid Caſes, all and every of the ſame Eſtates, and the Rents and the Profits thereof, ſhall immediately thereupon go over, and from thenceforth go, be and remain to the Uſe of, or in Truſt for ſuch other Perſon or Perſons, who by Virtue of this my Will would have been intitled to the ſame, in Caſe he the ſame *John Spencer* were actually dead.

Provided always, That if the ſaid *John Spencer* the Son, at the Time when either of the ſaid Caſes ſhall happen, (if either of them do ever happen) ſhall be under the Age of One and Twenty Years; then all the Rents and Profits of the ſame Eſtates, until the ſame *John Spencer* ſhall have attained the ſaid Age, except only the yearly Sum of five hundred Pounds, which ſhall be paid thereout for the Maintenance and Education of the ſame *John Spencer)* ſhall be taken as Part of and go along with the Reſidue of my Perſonal Eſtate, as the ſaid Reſidue is herein after diſpoſed of or directed to be diſpoſed of.

Provided always, and my Will is, and I do hereby expreſsly declare, That in caſe the ſaid *John Spencer* the Son of my ſaid Grandſon, or any Perſon or Perſons in Truſt for him, ſhall

ſhall, at any Time after my Deceaſe, accept or take from any King or Queen of theſe Realms any Penſion, or any Office or Employment, Civil or Military, (except the Rangerſhip and Office or Place of Keeper of *Windſor Great Park*, and the Rangerſhip and Office or Place of Keeper of the Little Park at *Windſor*;) Then and in ſuch Caſe, from thenceforth all and every the Uſes, Eſtates, and Truſts by me hereby limited, expreſſed or directed, of and concerning my ſeveral Eſtates hereby deviſed, every or any Part thereof unto or to the Uſe of, or in Truſt for the ſame *John Spencer* the Son, and all and every the Powers and Authorities to him by me hereby given, or directed to be given, ſhall ceaſe and be void to all Intents and Purpoſes, as if the ſame *John Spencer* were actually dead. And then alſo, and in ſuch Caſe, all and every the ſame Eſtates, and the Rents and Profits thereof, ſhall immediately thereupon go over, and from thenceforth go, be, and remain to the Uſe of or in Truſt for ſuch other Perſon or Perſons who by virtue of this my Will would have been intitled to the ſame, in caſe the ſame *John Spencer* were actually dead.

And whereas by Leaſe from the Crown, bearing Date on or about the 10th Day of July Lease of Marlborough House

July laſt paſt, I am poſſeſſed of or intitled to All that the Capital Meſſuage in which I now inhabit, call'd *Marlborough-Houſe*, with the ſeveral Yards, Gardens, Curtilages, Ground, Edifices, and Buildings thereunto belonging, or therewith uſed, occupied, or enjoyed, ſituated, lying, and being within or near the Pariſhes of St. *James* within the Liberty of *Weſtminſter*, and St. *Martin in the Fields* in the County of *Middleſex*, or one of them, and in and by the ſaid Leaſe more particularly mentioned and deſcribed, To hold unto me, my Executors, Adminiſtrators and Aſſigns, from the Date of the ſaid Leaſe, for the Term or Terms of fifty Years;

in Trust for J Spencer the Father

Now I do hereby give and bequeath all my Eſtate and Intereſt in the ſaid Capital Meſſuage and laſt mentioned Premiſſes (ſubject to ſuch Charge thereon as is herein after mentioned) unto my Executors herein after named, upon the Truſts following; that is to ſay, *in Truſt* for the ſaid *John Spencer* the Father, for ſo much and ſo long of the ſaid Term or Terms, of 50 Years therein as he ſhall live; and from and after his Deceaſe, then in truſt for *George Spencer* Eſquire, commonly called Marquis of *Blandford*, eldeſt Son and Heir Apparent of the ſaid *Charles* Duke of *Marlborough*, for ſo much

then to the Marquiss of Blandford for life

and

and ſo long of the ſaid Term or Terms of fifty Years therein as he ſhall live; and from and after his Deceaſe, *in Truſt* for ſuch Son of the Body of the ſaid *George Spencer* lawfully to be begotten, as ſhall firſt attain the Age of One and Twenty Years, and the Executors and Adminiſtrators of ſuch Son, for all the then Reſidue of the ſaid Term or Terms of Fifty Years therein; and in the mean time *in Truſt* to permit the eldeſt Son, for the Time being, of the Body of the ſaid *George Spencer*, lawfully to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſſes to and for his and their own Uſe and Benefit.

& his Sons in Tail

Provided always, that in caſe the ſaid *George Spencer* ſhall have no Son of his Body lawfully who ſhall live to attain the ſaid Age of One and Twenty Years, then *In Truſt* for *Charles Spencer* Eſq; commonly called Lord *Charles Spencer*, ſecond Son of the ſaid *Charles* Duke of *Marlborough*, for ſo much and ſo long of the ſaid Term or Terms of fifty Years therein as he ſhall live. And from and after his Deceaſe, *in Truſt* for ſuch Son of the Body of the ſaid *Charles Spencer* lawfully to be begotten, as ſhall firſt attain the Age of one and twenty Years; and the Executors and Adminiſtrators of ſuch Son for all the then Reſidue of

& in the manner to Charles Spencer

the ſaid Term or Terms of fifty Years therein; and in the mean time, *in Truſt* to permit the eldeſt Son for the time being, of the Body of the ſaid *Charles Spencer*, lawfully to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſes, to and for his and their own Uſe and Benefit.

Provided always, that in caſe the ſaid *Charles Spencer* ſhall have no Son of his Body lawfully begotten, who ſhall live to attain the ſaid Age of one and twenty Years, then *in Truſt* for ſuch other Son of the Body of the ſaid *Charles* Duke of *Marlborough*, lawfully begotten, or to be begotten, as ſhall firſt attain the ſaid Age of one and twenty Years, and the Executors and Adminiſtrators of ſuch Son, for all the then Reſidue of the ſaid Term or Terms of fifty Years therein.

then to the other Sons of the D of Marlborough

And in the mean Time, *in Truſt* to permit the eldeſt of ſuch other Sons, for the Time being, of the Body of the ſaid *Charles* Duke of *Marlborough*, lawfully begotten, or to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage, and Premiſſes to and for his and their own Uſe and Benefit.

Provided always, That in caſe the ſaid *Charles* Duke of *Marlborough* ſhall have no other Son of his Body lawfully begotten, or to be

to the E Spencer the Son for L.

be begotten, who ſhall live to attain the ſaid Age of one and twenty Years; then *In Truſt* for the ſaid *John Spencer* the Son, for ſo much, and ſo long of the ſaid Term or Terms of fifty Years therein, as he ſhall live.

And from and after his Deceaſe, *In Truſt* for ſuch Son of the Body of the ſame *John Spencer*, lawfully to be begotten, as ſhall firſt attain the Age of one and twenty Years, and the Executors and Adminiſtrators of ſuch Son, for all the then Reſidue of the ſaid Term or Terms of fifty Years therein.

to the Sons of the ſaid J Spencer in Tail

And in the mean time, *in Truſt* to permit the eldeſt Son for the Time being, of the Body of the ſaid *John Spencer*, the Son, lawfully to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſſes to and for his and their own Uſe and Benefit.

Provided always, That in Caſe the ſaid *John Spencer* the Son ſhall have no Son of his Body, lawfully begotten, who ſhall live to attain the ſaid Age of one and twenty Years; Then in *Truſt* for other Son of the Body of the ſaid *John Spencer* the Father lawfully begotten, or to be begotten, as ſhall firſt attain the ſaid Age of one and twenty Years, and the Executors, and Adminiſtrators of ſuch Son, for all the then Reſidue of the ſaid Term, or Terms of fifty

the Son then to J Spencer the Father

fifty Years therein, and in the mean time *in Truſt*, to permit the Eldeſt of ſuch Sons for the time being of the ſame *John Spencer*, lawfully begotten, or to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſſes to and for his and their own Uſe and Benefit.

then to whomsoever shall have the Title of Marlborough

Provided always, That in Caſe the ſaid *John Spencer* the Father, ſhall have no other Son of his Body lawfully begotten, or to be begotten, who ſhall live to attain the ſaid Age of one and twenty Years, then and in ſuch Caſe, the ſame Capital Meſſuage and Premiſſes ſhall from thenceforth for all the then Reſidue of the ſaid Term, or Terms of fifty Years therein, be, go and remain, *in Truſt* for the Perſon, or Perſons, who for the Time being ſhall be entitled unto, and inherit the Honour and Title of Duke or Ducheſs of *Marlborough*, (other than, and except the ſaid *Charles* Duke of *Marlborough*.)

Provided always, That in Caſe my ſaid Grandſon *John Spencer* ſhall at any time after my Deceaſe, diſpoſe of his Eſtate and Intereſt, or any Part thereof in the ſaid Capital Meſſuage and Premiſſes, or any Part thereof, or depart from the Poſſeſſion and Occupation of the ſame, by Leaſe, Sale, Exchange, Loan, or otherwiſe howſoever, on any Account whatſoever, (except the little Houſe adjoining to the Chappel,

if any Condition that if I Spencer the Grandson do dispose of these Estates these Bequests to be void.

Chappel, uſed as a *French* and *Dutch* Church, now inhabited by *Robert* Earl of *Clancarty*;) then and in ſuch Caſe my Will is, and I do hereby order and direct, that my Executors, herein after named, or the Survivors or Survivor of them, his Executors, or Adminiſtrators, ſhall and do immediately thereupon ſell, and diſpoſe of the ſame Capital Meſſuage and Premiſſes for all the then Reſidue of the ſaid Term or Terms of fifty Years therein, for the moſt Moneys, andbeſt Price they can get for the ſame; and the Moneys ariſing by ſuch Sale ſhall be taken as Part of, and go along with the Reſidue of my Perſonal Eſtate, as the ſaid Reſidue is herein after diſpoſed of, or directed to be diſpoſed of.

Provided always, That in Caſe the ſaid *George Spencer*, commonly called Marquis of *Blandford*, or any of his Sons, or the ſaid *Charles Spencer*, commonly called Lord *Charles Spencer*, or any of his Sons, or any other Son, of the ſaid *Charles* Duke of *Marlborough* hereafter to be born, ſhall at any time after my Deceaſe, and during the Life of the ſaid *Charles* Duke of *Marlborough*, diſpoſe of his or their Eſtate and Intereſt, or any Part thereof in the ſaid Capital Meſſuage and Premiſſes, or any Part thereof, or depart from the Poſſeſſion and Occupation of the ſame by Leaſe, Sale, Exchange, Loan, or

otherwiſe

otherwiſe howſoever, on any Account whatſoever (except the little Houſe adjoining to the Chappel, uſed as a *French* and *Dutch* Church, now inhabitedby *Robert* Earl of *Clancarty*;) or if the ſaid *George Spencer*, commonly called Marquis of *Blandford*, or any of his Sons, or the ſaid *Charles Spencer*, commonly called Lord *Charles Spencer*, or any of his Sons, or any other Son of the ſaid *Charles* Duke of *Marlborough* hereafter to be born, ſhall, during the Life of the ſaid *Charles* Duke of *Marlborough*, do or ſuffer, or covenant or agree to do or ſuffer any Act, whereby all or any of the Eſtates, Remainders, Limitations, or Uſes in the ſaid late Duke of *Marlborough*'s Will declared or expreſſed, may be defeated or barred; *Then*, and in any or either of the ſaid Caſes, all and every the Bequeſts of any Eſtate, or Intereſt whatſoever, of or in the ſame Capital Meſſuage called *Marlborough-Houſe*, and other the Premiſſes hereby given or limited to them, the ſaid *George Spencer*, commonly called Marquis of *Blandford*, and his Sons, and the ſaid *Charles Spencer*, commonly called Lord *Charles Spencer*, and his Sons, and the other Sons of the ſaid *Charles* Duke of *Marlborough* hereafter to be born as aforeſaid, ſhall abſolutely from thenceforth ceaſe, and be void to all Intents and Purpoſes. And

And then, in ſuch Caſe, the ſame Capital Meſſuage and Premiſſes ſhall immediately thereupon, after the Death of my ſaid Grandſon *John Spencer*, go, be, and remain to the ſeveral Uſes, Truſts, Intents and Purpoſes following; that is to ſay, *in Truſt* for the ſaid *John Spencer* the Son, for ſo much and ſo long of the ſaid Term or Terms of fifty Years therein, as he ſhall live, in the ſame manner as if all the Iſſue Male of the ſaid *Charles* Duke of *Marlborough* were dead.

And from and after the Deceaſe of the ſaid *John Spencer* the Son, *in Truſt* for ſuch Son of the Body of the ſame *John Spencer* lawfully to be begotten, as ſhall firſt attain the Age of one and twenty Years; and the Executors and Adminiſtrators of ſuch Son, for all the then Reſidue of the ſaid Term or Terms of fifty Years therein. And in the mean time, *in Truſt* to permit the eldeſt Son for the time being, of the Body of the ſaid *John Spencer* the Son, lawfully to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſſes to and for his and their own Uſe and Benefit. *Provided* always, that in caſe the ſaid *John Spencer* the Son ſhall have no

Son of his Body lawfully begotten, who ſhall live to attain the ſaid Age of one and twenty Years, then *in Truſt* for ſuch other Son of the Body of the ſaid *John Spencer* the Father lawfully begotten, or to be begotten, as ſhall firſt attain the ſaid Age of one and twenty Years, and the Executors and Adminiſtrators of ſuch other Son, for all the then Reſidue of the ſaid Term or Terms of fifty Years therein: And in the mean time, *in Truſt* to permit the eldeſt of ſuch other Sons for the time being, of the ſame *John Spencer* lawfully begotten, or to be begotten, to have, hold, and enjoy the ſame Capital Meſſuage and Premiſſes to and for his and their own Uſe and Benefit. *Provided* always, that in caſe the ſaid *John Spencer* the Father ſhall have no other Son of his Body lawfully begotten, or to be begotten, who ſhall live to attain the ſaid Age of one and twenty Years:

Then, and in ſuch Caſe my Will is, and I do hereby order and direct, that my Executors herein after named, or the Survivors or Survivor of them, his Executors or Adminiſtrators, ſhall and do ſell and diſpoſe of the

the ſame Capital Meſſuage and Premiſſes, for all the then Reſidue of the ſaid Term or Terms of 50 Yeats therein, for the moſt Moneys and beſt Price they can get for the ſame. And the Moneys ariſing by ſuch Sale ſhall be taken as Part of and go along with the Reſidue of my perſonal Eſtate, as the ſaid Reſidue is herein after diſpoſed of, or directed to be diſpoſed of.

And my Will is, and I do hereby authorize, impower, and direct my Executors herein after named, their Executors, and Adminiſtrators, from time to time, as Occaſion ſhall require, and as they ſhall think proper, during the Continuance of the ſaid Truſts by me herein declared (of and concerning the ſaid laſt mentioned Leaſehold Premiſſes) to apply for, and do their Endeavours to renew the ſaid Leaſe of the ſaid Capital Meſſuage and other the ſaid laſt mentioned Premiſſes; the Coſts and Charges of all which Renewals, I do hereby charge on the ſame Capital Meſſuage and Premiſſes.

And I do order and direct, that all new Leaſes hereafter to be obtained of the ſame

Premiſſes, ſhall be, and be declared to be on the like Truſts, and ſubject to the like Proviſoes and Contingencies as are herein declared, of and concerning the ſaid now ſubſiſting Leaſe of the ſame Premiſſes, or ſuch of the ſame Truſts as ſhall be then ſubſiſting.

And whereas I am poſſeſſed of, or intitled to, another Leaſe from the Crown, bearing Date on or about the 13th Day of *February*, 1728, for a certain Term of Years not yet expired, as in and by the ſaid Leaſe more fully will appear:

Now I give and deviſe the ſame Leaſe, and all my Eſtate and Intereſt thereby demiſed to my Executors herein after named, *In Truſt* for the Owner and Proprietor, for the time being, of the ſaid *Marlborough*-Houſe, to go along, and be held and enjoyed with the ſame, and ſubject to the ſame Conditions and Limitations.

And whereas I am impowered by the Duke of *Marlborough*'s Will to diſpoſe of ſuch of the Goods and Furniture in *Marlborough*-Houſe aforeſaid, as are my own, tho' they were bought in his Life-time:

And

And whereas there is an Inventory, which will ſhew which of the Goods and Furniture in the ſaid Houſe are mine, (whether bought in the ſaid Duke of *Marlborough*'s Life-time, or ſince his Deceaſe:)

Now, I do hereby give and bequeath all ſuch of the Goods, Furniture and Pictures, which are and ſhall be my own, and which ſhall be in the ſaid *Marlborough*-Houſe at the Time of my Deceaſe, except ſuch of them as I ſhall otherwiſe diſpoſe of by this my Will, or by any Codicil or Codicils to be by me made thereto, unto my ſaid Grandſon *John Spencer*, his Executors and Adminiſtrators.

Item, I give and bequeath unto my ſaid Grandſon, *Charles* Duke of *Marlborough*, his Executors and Adminiſtrators, to and for his and their own Uſe and Benefit all ſuch Goods, Furniture and Pictures, as are, or ſhall be my own, and which ſhall be in *Blenheim* Houſe in *Oxfordſhire* at the Time of my Deceaſe, (except ſuch of the ſaid Goods, Furniture, and Pictures, whereof I ſhall otherwiſe diſpoſe by this my Will, or by any Codicil or Codicils to be by me made thereto.)

But

But the ſaid Bequeſt of my ſaid Goods, Furniture, and Pictures in *Blenheim* Houſe, to the ſaid *Charles* Duke of *Marlborough*, is upon this expreſs Condition, That he do not remove any of the Goods or Furniture from *Althorp* Houſe, but permit the ſame to be enjoyed by my ſaid Grandſon *John Spencer*, his Executors and Adminiſtrators, (unleſs the ſaid Goods and Furniture in *Althorp* Houſe ſhall be of greater Value than my ſaid Goods, Furniture, and Pictures in *Blenheim* Houſe; in which Caſe, the ſaid Duke of *Marlborough* may remove from *Althorp* Houſe Part of the ſaid Goods or Furniture, leaving only ſo much thereof as ſhall be equal in Value to my ſaid Goods, Furniture, and Pictures, which, at the Time of my Deceaſe, ſhall be in *Blenheim* Houſe.)

And in caſe the ſaid *Charles* Duke of *Marlborough*, ſhall refuſe to perform the ſaid laſt mentioned Condition, then I give all my ſaid Goods, Furniture, and Pictures in *Blenheim* Houſe, (except as aforeſaid) to the ſame *John Spencer*, his Executors and Adminiſtrators.

And

And my Will is, and I do hereby order and direct, That all the Goods and Furniture, which at the Time of my Deceaſe ſhall be in or about my Manſion Houſe at *Holywell* in *St. Albans*, in the ſaid County of *Hertford*, (except ſuch of them as I ſhall otherwiſe diſpoſe of by this my Will, or by any Codicil or Codicils to be by me hereafter made thereto) ſhall remain and continue there, and be always held and enjoyed therewith, as far as the Law will admit of.

And whereas by Letters Patent, dated on or about the 18th Day of *July*, in the eighth Year of the Reign of her late Majeſty Queen *Anne*, her ſaid late Majeſty granted the Rangerſhip and Office, or Place of Keeper of *Windſor* Great Park, and of all the Houſes or Lodges there; and alſo of the keeping the Paddock Walk, and the Houſes or Lodges belonging to the ſame Walk, and all other Profits in the ſaid Great Park, unto *James Craggs*, *Samuel Edwards*, and *Charles Hodges*, Eſquires, and their Heirs, *In Truſt* for me and my Heirs, during the Lives of myſelf and *Henrietta* late Ducheſs

of

of *Marlborough*, and *Mary* Duchess of *Montague*, and the Life of the longest Liver of us:

Now, I do hereby will, order and direct, That the Heirs or Assigns of the said *Samuel Edwards* shall stand seized, possessed and interested of, and in the said Rangership and Office or Place of Keeper of the said Great Park, and of and in the said Houses or Lodges there, and of and in all other the said last mentioned Premisses, for and during all the Residue of my said Estate and Interest, which shall be to come therein at the Time of my Decease, by Virtue of the said Letters Patent, *In Trust* for my said Grandson *John Spencer*, his Heirs and Assigns.

And I give and bequeath all the Goods, Furniture and Pictures, which shall be in the Chief Lodge there, at the Time of my Decease, (except such of them as I shall otherwise dispose of by this my Will, or by any Codicil or Codicils to be by me made thereto) unto the same *John Spencer*, his Executors and Administrators, to and for his and their own Use and Benefit.

And

And whereas, by Virtue of the ſaid Letters Patent, the Heirs or Aſſigns of the ſaid *Samuel Edwards* are ſeized or intitled to them and their Heirs, *In Truſt* for me and my Heirs, of and in the Rangerſhip and Office or Place of Keeper of the Little Park at *Windſor*, and all the Lodges in the ſame Park, during the Life of the ſaid *Charles*, now Duke of *Marlborough*, (the ſaid *Henrietta*, late Ducheſs of *Marlborough*, and *George Churchill*, Eſq; the two other Nominees in the ſaid Letters Patent, named with reſpect to the ſame Premiſſes, being ſince dead:)

Now I do hereby will, order, and direct, That the Heirs or Aſſigns of the ſaid *Samuel Edwards* ſhall ſtand ſeized, poſſeſſed, and intereſted, of and in the ſaid Rangerſhip and Office, or Place of Keeper of the ſaid little Park, and Lodges therein, and of and in all other the ſaid laſt mentioned Premiſſes, for and during all the Reſidue of my ſaid Eſtate and Intereſt, which ſhall be to come therein at the Time of my Deceaſe, by Virtue of the ſaid Letters Patent, upon the Truſts following; that is to

ſay, *In Truſt* for the ſaid *John Spencer* the Son, for and during ſo much of my ſaid Eſtate and Intereſt therein, as he ſhall live.

And from and after his Deceaſe, *In Truſt* for his Father, my ſaid Grandſon *John Spencer*, his Heirs and Aſſigns.

And my Will is, that all my Goods and Furniture, which at the Time of my Deceaſe, ſhall be in my Lodge in the ſaid little Park, ſhall be enjoyed by the Perſon and Perſons, who, for the Time being, ſhall be in Poſſeſſion of the ſaid Lodge, and other the ſaid laſt mentioned Leaſehold Premiſſes, by Virtue of this my Will; and ſhall, at the Determination of my ſaid Eſtate and Intereſt in the ſaid laſt mentioned Leaſehold Premiſſes, go to ſuch of them, the ſaid *John Spencer* the Son, or *John Spencer* the Father, who ſhall then be in Poſſeſſion thereof, his Executors and Adminiſtrators: And in caſe of both their Deaths before that Time, then to the Executors and Adminiſtrators of my ſaid Grandſon *John Spencer*.

I give, deviſe, and bequeath unto my Grand-

Grandaughter *Isabella*, Duchess Dowager of *Manchester*, her Heirs and Assigns, all that my Piece of Ground, with the Messuage thereon built, and the Appurtenances, in *Dover-street* in the County of *Middlesex*, and which I lately purchased of the Executors and Trustees of the late Countess of *Westmoreland*.

I also give and bequeath unto the said *Isabella*, Duchess Dowager of *Manchester*, her Executors and Administrators, all my Goods, Chattels, and Furniture, which, at the Time of my Decease, shall be in or about the said last mentioned Messuage and Premisses.

I give and bequeath unto the said *Hugh* Earl of *Marchmont*, *Thomas* Lord Bishop of *Oxford*, the said *Beversham Filmer* and *James Stephens*, their Executors and Administrators, all that my Leasehold Piece of Ground, and the Brick Messuage, and other Erections thereon built, with the Appurtenances, in *Grosvenor-street*, in the Parish of *St. George*, *Hanover-Square*, in the County of *Middlesex*, for all my Term and Interest, which shall be to come therein at the

Time of my Deceaſe: And all my Goods, Chattels and Furniture, which at the Time of my Deceaſe ſhall be in or about the ſaid Meſſuage and Premiſſes, upon the Truſts following; that is to ſay, *In Truſt*, for the ſaid *John Spencer* the Son, his Executors and Adminiſtrators.

Provided always, That in caſe the ſaid *John Spencer* the Son ſhall not live to attain the Age of One and Twenty Years, then *in Truſt* for my ſaid Grandſon *John Spencer*, his Executors and Adminiſtrators.

Item, I do hereby make, conſtitute, and appoint the ſaid *Hugh* Earl of *Marchmont*, the Right Reverend Father in God *Thomas* Lord Biſhop of *Oxford*, *Beverſham Filmer*, and *James Stevens*, joint Executors of this my laſt Will and Teſtament: And I give the Sum of Two Thouſand Pounds a-piece unto ſuch of them my ſaid Executors as ſhall prove this my Will, and take on them the Burthen and Execution thereof, and of the Truſts hereby in them repoſed, as an Acknowledgment for their Care and Trouble in and about the ſame.

Item,

Item, I give and bequeath unto, or in Truſt for the ſeveral and reſpective Perſons whoſe Names ſhall be mentioned and expreſſed in my Codicil or Codicils, to be by me made to this my Will, or in any other Writing or Writings ſubſcribed by me, and atteſted by two or more credible Witneſſes; the ſeveral and reſpective Legacies, Sums of Money, Annuities, Things, and Bequeſts, which in and by ſuch Codicil or Codicils, or Writing or Writings, ſhall be mentioned and expreſſed to be by me given and bequeathed, or appointed unto or in Truſt for ſuch ſeveral Perſons reſpectively; which Codicil or Codicils, or Writing or Writings, I will and direct ſhall be, and be deemed and taken to be, as and for Part of this my laſt Will and Teſtament.

Item, As to all the Reſt, Reſidue, and Remainder of my Goods, Chattels, Stocks, Funds, Moneys, Mortgages, and Securities for Money, and all other my perſonal Eſtate whatſoever and wherefoever, and of what Nature, Kind, or Quality ſoever the ſame be, not by me otherwiſe already diſpoſed of, or hereafter to be diſpoſed of, (after

and

and ſubject to the Payment of my juſt Debts and Funeral Charges, and the ſeveral Legacies, Sum and Sums of Money, Bequeſts, and Appointments by me given, bequeathed or made, or hereafter to be given, bequeathed or made;) *I give*, deviſe, and bequeath the ſame and every Part thereof, and all my Eſtate and Intereſt therein, unto my ſaid Executors the ſaid *Hugh* Earl of *Marchmont*, *Thomas* Lord Biſhop of *Oxford*, *Beverſham Filmer*, and *James Stephens*, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively; *upon Truſt* that they my ſaid Truſtees and Executors, or the Survivors or Survivor of them, his Heirs, Executors, Adminiſtrators or Aſſigns, ſhall and do, as ſoon as conveniently may be after my Deceaſe, ſell and convert into ready Money all ſuch Part or Parts thereof as ſhall not conſiſt of Moneys, or Securities for Money; and ſhall and do call, receive, and get in all ſuch Part and Parts thereof as conſiſt in Moneys, Securities for Money, and ſhall and do thereupon, or with all convenient Speed then afterwards, lay out and inveſt the Moneys ariſing by ſuch

Sale

Sale or Sales, and to be called, received, and got in, as is laſt mentioned, together with all other the ſaid Reſiduum of my ſaid perſonal Eſtate, (after, and ſubject as aforeſaid) in one or more Purchaſe or Purchaſes of Freehold Manors, Meſſuages, Lands, or Hereditaments of an Eſtate of Inheritance in Fee-ſimple, in ſome convenient Place or Places within that Part of *Great-Britain* called *England*; (with Liberty nevertheleſs to purchaſe, together with ſuch Fee-ſimple Eſtates, any Copyhold or Leaſehold Eſtates, which are neceſſary or convenient to go or be enjoyed therewith;) and thereupon ſettle, convey, and aſſure, or cauſe to be ſettled, conveyed, and aſſured, All ſuch Manors, Meſſuages, Lands, or Hereditaments to be purchaſed, as is laſt mentioned, with their Appurtenances, To the Uſe of my ſaid Grandſon the ſaid *John Spencer*, and ſuch other Perſon and Perſons, and in ſuch and the like Order and Manner, and to, for, and upon ſuch and the like Eſtate and Eſtates, Uſes, Truſts, Intents and Purpoſes, and upon and under, and ſubject to ſuch and the like Charges, Powers, Proviſoes, Conditions, Reſtrictions, and Limitations as are

by

by me herein before devised, limited, or declared, of and concerning my said Manors, Messuages, Lands, Hereditaments, and Estate of Inheritance first herein before devised, or as near thereto as may be, and the Deaths of Persons and other Contingencies will admit of.

And I do hereby authorize and impower, my said Grandson *John Spencer*, as and when he shall come into and be in Possession of the said Manors, Messuages, Lands, Hereditaments, and Estate last mentioned, and first devised as aforesaid, or of the Manors, Lands, or Hereditaments to be purchased with the said Residuum of my said personal Estate, or any Part thereof, by any Deed or Writing, Deeds or Writings under his Hand and Seal attested by two or more credible Witnesses, to grant, settle, limit, or appoint (if he shall think fit) any Part or Parts of the same Manors, Lands, Hereditaments and Premisses, (not exceeding what may be lett at, or worth to be lett at the yearly Sum of three hundred Pounds in the whole) unto, or to the Use of, or in Trust for the said *Georgina Carolina* his now

now Wife, for her Life, in Augmentation of her Jointure limited to, or ſettled upon her by the ſaid Indenture of Settlement of the 13th Day of *February*, in the Year of our Lord 1733, (the ſame to be in full of what he can ſettle upon her by Virtue of this my Will.)

And I do impower the ſame *John Spencer* (in Caſe he ſurvive the ſaid *Georgina Carolina*, his now Wife) as and when he ſhall come into, and be in Poſſeſſion of the ſaid Manors, Lands, or Hereditaments firſt herein before deviſed, or of the Manors, Lands, or Hereditaments directed to be purchaſed with the ſaid Reſiduum of my ſaid Perſonal Eſtate as aforeſaid, or any Part thereof, by any Deed or Writing, or Deeds or Writings under his Hand and Seal, atteſted by two or more credible Witneſſes, to grant, ſettle, limit, or appoint any Part, or Parts of the ſame Manors, Lands, or Hereditaments, not exceeding what may be lett at, or worth to be lett at the yearly Sum of Fifteen hundred Pounds in the whole, unto, or in Truſt for, or to the Uſe of any Woman, or Women, with whom

he ſhall afterwards happen to intermarry (either before, or after ſuch Marriage) for the Life or Lives of ſuch Woman, or Women, for her, or their Jointure, or Jointures, or in Part of Jointure.

And, I do hereby authorize, impower, and direct my acting Executors for the time being, from time to time, and until the whole of the ſaid Reſiduum of my ſaid Perſonal Eſtate ſhall be laid out, and inveſted in ſuch Purchaſe or Purchaſes of Manors, Lands, or Hereditaments to be ſettled, as is laſt mentioned, to depoſite any of the Moneys belonging to, or ariſing from my ſaid Reſiduary Eſtate, or any Part thereof in the Bank of *England* for ſafe Cuſtody, as and when Occaſion ſhall require, *And* from time to time to continue, or lend, and place out the ſame Moneys and Eſtate, or any part thereof, upon Parliamentary Securities at Intereſt, or in the Purchaſe of Stock, or Annuities in the Bank of *England*, or of *South-Sea* Annuities, upon the Truſts aforeſaid: *And* from time to time to call and receive in the Moneys ſo depoſited or lent or placed out on Se-

curities,

curities, or to ſell and diſpoſe of ſuch Stocks or Annuities ſo to be purchaſed, as is laſt mentioned, or any Part thereof; and again to depoſite, lend, place out, or inveſt the ſame Moneys or any part thereof in manner aforeſaid, as often as there ſhall be Occaſion, and they ſhall think fit, ſubject to the Truſts before mentioned, concerning the ſame.

And my Will is, and I hereby direct, that in the mean Time, from and after my Deceaſe, and until the ſaid Reſiduum of my Perſonal Eſtate ſhall be laid out in ſuch Purchaſe or Purchaſes of Manors, Lands, or Hereditaments to be ſettled, as is laſt mentioned:

All the clear Yearly Intereſt and Produce that ſhall be made of the ſame Moneys and Eſtate, every or any Part thereof, ſhall from Time to Time be paid to, and received by ſuch Perſon or Perſons, as and to whom the Rents and Profits of the Manors, Lands or Hereditaments therewith to be purchaſed as aforeſaid, (if purchaſed and ſettled) would for the Time being belong or appertain by Virtue of this my Will, and

the Uſes and Limitations hereby directed to be limited of the ſame Premiſſes, in and by ſuch Settlement or Settlements to be made thereof, as aforeſaid.

And my further Will is, That they, my ſaid Truſtees and Executors, or any of them, their or any of their Executors or Adminiſtrators, ſhall not be charged or chargeable with, or accountable for any more of the aforeſaid Truſt, Eſtates, Moneys, and Premiſſes, than they reſpectively ſhall actually receive, or ſhall come to their reſpective Hands by Virtue of this my Will, nor with, or for any Loſs which ſhall happen of the ſame Eſtates, Moneys, and Premiſſes, or any Part thereof, ſo as ſuch Loſs happen without their wilful Default, nor any one of them, for the other or others of them, or for the Acts, Deeds, Receipts, or Diſburſements of the other or others of them; but each of them only for his own Acts, Deeds, Receipts, or Diſburſements.

And alſo, that it ſhall and may be lawful for them my ſaid Truſtees and Executors, and each and every of them, their, and each of their Executors and Adminiſtrators, in

in the firſt Place, by and out of the aforeſaid reſpective Truſt, Eſtates, Moneys, and Premiſſes, to deduct and reimburſe him and themſelves reſpectively, all ſuch Loſs, Coſts, Charges, and Expences, as they or any of them ſhall reſpectively ſuſtain, expend, or be put unto, for or by Reaſon of the ſaid ſeveral Truſts hereby in them repoſed, in relation to the ſame Eſtates, Moneys, and Premiſſes reſpectively, or the Management and Execution thereof, or any other thing in any wiſe relating thereunto.

In Witneſs whereof, I the ſaid *Sarah*, Ducheſs Dowager of *Marlborough*, the Teſtatrix, have to this my Laſt Will and Teſtament, contained in this and the ſeven preceding Skins of Parchment, ſet my Hand and Seal; (to wit) my Hand to the Bottom of each of the ſaid ſeven preceding Skins, and my Hand and Seal to this laſt Skin; and my Seal at the Top of the firſt of the ſaid Skins, where all the ſaid Skins are fixed together, the Day and Year firſt above written.

SARAH MARLBOROUGH.

The

The Writing contained in this and the ſeven preceding Skins of Parchment, was ſigned and ſealed by the above named *Sarah*, Ducheſs Dowager of *Marlborough*, and by her publiſhed and declared as and for her Laſt Will and Teſtament; in the Preſence of us, who have hereunto ſubſcribed our Names, as Witneſſes thereto, in her Preſence, and in the Preſence of each other.

Fane.
Edmund London.
W. Lee.
John Scrope.

THE

THE CODICIL.

THIS *is a Codicil* to the Last Will and Testament of me *Sarah* Duchess Dowager of *Marlborough*, which I duly made and published, bearing Date the 11th Day of *August* Instant, and which Will I do hereby ratify and confirm in all Respects.

Whereas I am possessed of, interested in, or intitled unto several long Annuities (amounting together, to the yearly Sum of two thousand six hundred Pounds) payable out of his Majesty's Exchequer for the Residue of several long Terms of Years yet to come:

Now, I do hereby Give and Bequeath all my said Exchequer Annuities unto the Right Honourable *Hugh* Earl of *Marchmont*; *Thomas* Lord Bishop of *Oxford*; *Beversham Filmer* Esq; and *James Stephens*, Doctor

Doctor in Physick, (my Executors in my said Will named) their Executors and Administrators, upon the Trusts herein after expressed concerning the same; that is to say, *upon Trust*, That they my Executors, or the Survivors or Survivor of them, his Executors, or Administrators, shall and do within three Kalendar Months after my Decease, assign, and transfer the yearly Sum of 300 *l.* part of my said Exchequer Annuities, unto the said *James Stephens*, for his own absolute Use and Benefit, during all my Term and Interest therein.

And the yearly Sum of three hundred Pounds, other Part of my said Annuities, unto *Grace Ridley*, for her own absolute Use and Benefit, during all my Term and Interest therein.

And upon this further Trust, That they my said Executors, or the Survivors or Survivor of them, his Executors, or Administrators, shall and do pay out of my said Exchequer Annuities unto the several Persons hereafter named, for so long of the several Terms of Years in the same Annuities, as they, the same Legatees shall respectively

ſpectively live, the ſeveral yearly Sums following; that is to ſay,

To Robert Maccarty, called Earl of *Clancarty*, the yearly Sum of 1000 *l.*

To Elizabeth Arbor, the yearly Sum of 200 *l.*

To Anne Patten, the yearly Sum of 130 *l.*

To Olive Lofft, the yearly Sum of 40 *l.*

To John Griffiths, the yearly Sum of 200 *l.*

To Hannah Clarke the yearly Sum of 200 *l.*

To Jeremiah Lewis, the yearly Sum of 50 *l.*

To John Dorſet, the yearly Sum of 50 *l.*

To each of my two Chairmen, *George Humphreys* and *John Robins*, the yearly Sum of 20 *l.*

To Walter Jones, the yearly Sum of 30 *l.* and to each of my Footmen that ſhall continue in my Service to my Death, the yearly Sum of 10 *l.*

To Margaret Garmes, the yearly Sum of 10 *l.* *And* to *Catharine Garmes*, the yearly Sum of 10 *l.*

All which ſeveral Annuities, *I Will*, ſhall be paid unto the ſaid Legatees thereof, by four equal quarterly Payments, on ſuch Feaſts, or Days of Payment, as the aforeſaid Annuities are Payable at the Exchequer, or ſo ſoon after as may be; the firſt of the ſaid quarterly Payments to begin, and be made at ſuch of the ſaid Feaſts as ſhall next happen after my Deceaſe.

And I Will and direct, That all the Reſidue and Overplus of my ſaid Exchequer Annuities, as the ſame ſhall be from time to time received, (over and above ſo much thereof as ſhall be aſſign'd to the ſaid *James Stephens* and *Grace Ridley* reſpectively as aforeſaid, and over and above ſo much of the then Reſidue thereof as ſhall be ſufficient to pay and ſatisfy ſuch of the ſaid other yearly Sums as for the time being ſhall be ſubſiſting and payable) ſhall be paid to, and received by my Grandſon *John Spencer*, or ſuch other Perſon, or Perſons, who for the time being, by Virtue of my ſaid Will, and the Settlement or Settlements thereby by me directed to be made, ſhall be intitled to the Rents and Profits

of

of the Manors, Lands or Hereditaments directed to be purchaſed with the Reſidue of my Perſonal Eſtate.

And I hereby direct my ſaid Executors, and the Survivors and Survivor of them, his Executors and Adminiſtrators, to pay and apply the ſaid Reſidue and Overplus of the ſaid Annuities accordingly.

I give to my ſaid Grandſon *John Spencer* *All* my Gold and Silver Plate whatſoever, which I ſhall not otherwiſe diſpoſe of; and deſire he would not part therewith, but keep the Arms as they are upon it.

I alſo give him all my Seals and Trinkets, and ſmall Pieces of Japan, which I ſhall not otherwiſe diſpoſe of.

I give to the Wife of *John Spencer*, now only Son of my ſaid Grandſon *John Spencer*, (if he ſhall live to be married) my beſt Diamond Pendants, which have three Brilliant Drops to each, and all the reſt of my Jewels which I ſhall not otherwiſe diſpoſe of. And in Caſe he dies unmarried, I give the ſame to his Father.

I give to my Grandaughter *Mary* Ducheſs of *Leeds*, my Diamond Solitaire,

with the large Brilliant Diamond it hangs to: Alſo the Picture in Water-Colours of the late Duke of *Marlborough* on Horſe-back, drawn by *Lens*, which is now at *Windſor* Lodge.

I give to my Daughter *Mary* Ducheſs of *Montague* my Gold Snuff-Box that has in it two Pictures of her Father the Duke of *Marlborough*, when he was a Youth. *Alſo* a Picture of her Father covered with a large Diamond, and hung to a String of ſmall Pearls for a Bracelet, and two enamelled Pictures for a Bracelet of her Siſter *Sunderland* and her Siſter *Bridgewater*.

I give to *Thomas* Duke of *Leeds* 3000 *l.*

I give to my Niece *Francis* Lady *Dillon* 1000 *l.*

I give to *Philip* Earl of *Cheſterfield*, out of the great Regard I have for his Merit, and the infinite Obligations I have received from him, my beſt and largeſt brilliant Diamond Ring, and the Sum of 20,000 *l.*

I alſo give to *William Pitt* of the Pariſh of *St. James* within the Liberty of *Weſtminſter* Eſq; the Sum of 10,000 *l.*

upon

upon Account of his Merit in the noble Defence he has made for the Support of the Laws of *England*, and to prevent the Ruin of his Country.

I give to Mr. *Burroughs*, Maſter in *Chancery*, the Sum of 200*l.* to buy a Ring.

I give to the ſaid *Hugh* Earl of *Marchmont*, *Thomas* Lord Biſhop of *Oxford*, *Beverſham Filmer* and *James Stephens*, over and above what I have reſpectively given them in my ſaid Will, and by this Codicil, the Sum of 500*l.* a-peice, to buy them Rings.

I give to the ſaid *Robert Maccarty*, called Earl of *Clancarty*, over and above what I have hereby already given him, the Sum of 1000*l.*

And whereas John Earl of *Stair* owes me the Sum of 1000*l.* upon Bond: *And whereas* his Wife bought ſome things for me in *France*, and always declined letting me know what they coſt; I deſire the ſaid Earl of *Stair* to pay my Lady *Stair* what ſhe ſo laid out for me, out of the Principal Money and Intereſt due on the ſaid Bond, and the

Remainder

Remainder of the Principal and Interest I desire him to accept of. *And* I direct the said Bond to be delivered up to him. And as to any Sum or Sums of Money, which by my Account with the Bank, or by any Memorandums of mine, the said Earl may appear to have received of me, (for which, as I took no Security, there is no Evidence but his own Letters) I direct that no Demand be ever made for the same.

I give to the Right Honourable *Juliana* Countess of *Burlington*, my Bag of Gold Medals, and the Sum of 1000*l.* to buy a Ring in Remembrance of me, or whatever other thing she pleases.

I give to the Duchess of *Devonshire* my Box of travelling Plate.

I also give to the said *James Stephens*, over and above what I have already given him by my said Will and this Codicil, the Sum of 13000*l.* what I give him being not only in Consideration of his faithful past Services for many Years, but in Consideration of what he is yet to do, as my Trustee and Executor, and as Trustee for my said Grandson *John Spencer*, and his

Issue;

Iſſue; and in Confidence that he will perform the Truſts repoſed in him, by making a true Account of what my Effects are in, and in diſpoſing of my Books and Papers, in ſuch manner as I ſhall direct in a Letter to my Executors.

And I alſo will and direct, that as a further Compenſation to the ſaid *James Stephens*, for the great Trouble he will have in and about what he is by my ſaid Will, and hereby willed and directed to do, that the Yearly Sum of 300*l.* be paid unto him during his Life, by half-yearly Payments, clear of all Deductions, out of the Income of my perſonal Eſtate, until the Reſidue thereof ſhall be inveſted in Lands, according to my Will. And that afterwards the ſame 300*l.* yearly, clear of all Deductions, be continued and paid unto him, out of the Rents and Profits of the Eſtates to be purchaſed with my ſaid reſiduary perſonal Eſtate, over and above all other Gifts to him given or deviſed by my ſaid Will, or this Codicil.

I give to the ſaid *Grace Ridley*, (over and above the Sum of 1000*l.* which I have given a Security by Bond to pay her at my Death,

Death, which Bond at present is either mislaid or lost, and over and above what I have already given her in this Codicil) the Sum of 15000*l.* I also give her the enamelled Pocket Picture of the late Duke of *Marlborough*, and the little Picture of the said Duke made up into a Locket, and my own Picture drawn by Sir *Godfrey Kneller*, which is only a Head, (and which is now at *Marlborough-House*) and my Striking Watch, which was formerly the late Duke of *Marlborough's*.

I give to *Ann Ridley*, if her Mother the said *Grace Ridley* should survive me, the Sum of 3000*l.* (which is to be paid to her said Mother for the Benefit of the said *Ann Ridley*, and her said Mother's Receipt shall be a sufficient Discharge to my Executors for the same.) But if the said *Grace Ridley* shall happen to die before me, then I give to the said *Ann Ridley* the Sum of 8000*l.* to be paid on the Day of her Marriage, if she shall marry with the Consent of her Mother's Executors.

But if she shall marry without such Consent, or shall die unmarried, then, and in either

either of the ſaid Caſes, from thenceforth the ſaid Sum of 8000 *l.* ſhall be taken as Part of and go along with the Reſidue of my perſonal Eſtate, as the ſaid Reſidue is in and by my ſaid Will diſpoſed of, or directed to be diſpoſed of.

And my Will is, That in the mean time, until the ſaid *Ann Ridley* ſhall be married, or ſhall die unmarried, my ſaid Executors, and the Survivors and Survivor of them, his Executors or Adminiſtrators, ſhall and do pay for her Uſe to her Mother's Executors, Intereſt for the ſaid Sum of 8000 *l.* after the Rate of 4 *l. per Cent. per Ann.*

I give to Mrs. *Jane Pattiſon* my Striking Watch, which formerly belonged to her Miſtreſs my Lady *Sunderland.*

And direct all my Clothes and Wearing Apparel to be valued and divided into two equal Parts, and one Part or Moiety of the Whole I give to the ſaid *Grace Ridley*, and the other Part or Moiety I direct to be divided into two Parts or Shares; and I give one of thoſe Shares to the ſaid *Ann Patten*, and the other to the ſaid *Olive Lofft.*

I give to each of my Chairmen (over and

above what ſhall be reſpectively due to them at the Time of my Deceaſe, and over and above what I have already given them in this Codicil) the Sum of 25 *l.*

I give to each and every of my Servants, who ſhall be in my Service at the Time of my Death (except ſuch of them to whom I have given Bond or Annuities, or a Sum of Money in groſs; and alſo except Stewards, Bailiffs, Gardeners, Park-Keepers, and others of the like Employment) one Year's Salary or Wages, over and above what ſhall be due to them reſpectively at the Time of my Deceaſe; and to ſuch of my Servants who ſhall attend at my Funeral, ſuch Mourning as my ſaid Executors ſhall think fit to allow them.

I give to the Poor of the Town of *Woodſtock* 300 *l.* to be diſtributed among them when I am buried.

And whereas there is in the Cloſet within my Bedchamber at *Wimbledon*, a little Picture of the late Duke of *Marlborough*, which was given me by Mrs. *Godolphin*; I deſire that, if I die before her, the ſaid Picture may be given her again.

I deſire

I desire that my said Executors will let Mr. *Richard Glover* and Mr. *David Mallet* (who are to write the History of the late Duke of *Marlborough*'s Life) have the Use of all such Letters and Papers relating to the said History, as shall be found at any of my Houses after my Decease. I believe there may be found many Letters from the late Queen *Anne* to the late Duke of *Marlborough*, and from him to her Majesty, and perhaps some from other Great Men of both Parties, which may be thought proper to be inserted in the said History. Mr. *Glover*, I believe, is a very honest Man, and wishes, as I do, all the Good that can happen to preserve the Liberties and Laws of *England*. Mr. *Mallet* was recommended to me by the late Duke of *Montrose*; whom I admired extremely for his great Steadiness and Behaviour in all Things that related to the Preservation of our Laws and the public Good. And I desire those two Gentlemen (Mr. *Glover* and Mr. *Mallet*) may write the said History; that it may be made public to the World how truly the late Duke of *Marlborough* wished that Justice

ſhould be done to all Mankind, who, I am ſure, left King *James* with great Regret at a Time when 'tis plain 'twas with Hazard to himſelf; and if he had been like the Patriots of the preſent Times, he might have been All that an ambitious Man could have hoped for, by aſſiſting King *James* to ſettle Popery in *England*.

And as I have been extremely obliged to the Earl of *Cheſterfield*, who never had any Call to give himſelf any Trouble about me, I believe he will comply with my very earneſt Requeſt, which is, That he will direct the two Perſons above mentioned, who are to write the ſaid Hiſtory, which I am extremely deſirous ſhould be done well.

And I deſire that no Part of the ſaid Hiſtory may be in Verſe, and that it may not begin in the uſual Forms of writing Hiſtories, but only from the Revolution.

And I direct, that the ſaid Hiſtory ſhall, before it is printed, have the Approbation of the ſaid Earl of *Cheſterfield*, and of all my Executors, or ſuch of them as ſhall be living when it is finiſhed, or the major Part of them.

And

And I give unto each of them, the ſaid Mr. *Richard Glover*, and Mr. *David Mallet*, for writing the ſaid Hiſtory, the Sum of 500*l.* to be paid when the ſame ſhall be finiſhed, to the Satisfaction of the ſaid Earl of *Cheſterfield*, and my Executors, or ſuch of them as ſhall be living when it is finiſhed, or the major Part of them.

And I deſire, that the ſaid Mr. *Richard Glover* and Mr. *David Mallet* may have the Advantage of printing the ſaid Hiſtory.

And for the Furtherance of my Deſire and Intention by my ſaid Will expreſſed, to preſerve the Remainders in the ſaid late Duke of *Marlborough*'s Will limited, of his Eſtates from being deſtroyed, and upon the Conditions and Contingencies herein after mentioned, to make ſome Proviſion for the Ladies *Diana* and *Elizabeth Spencer*, and Lord *Charles Spencer*, the younger Son and Daughters of my Grandſon, *Charles* Duke of *Marlborough*, in Caſe *George*, Marquis of *Blandford*, the eldeſt Son of the ſaid *Charles* Duke of *Marlborough*, ſhall live to attain the Age of 21 Years in his ſaid Father's Life-time; or if he ſhall die

under

under the Age of 21 Years, for the ſaid Ladies *Diana* and *Elizabeth Spencer*, if the ſaid Lord *Charles Spencer*, or other the eldeſt, or only Son of the ſaid *Charles* Duke of *Marlborough* for the Time being, intitled next, and immediately in remainder after the ſaid *Charles* Duke of *Marlborough*, to the ſaid late Duke's Eſtate, by and under the ſaid late Duke's Will, ſhall attain the Age of twenty-one Years in the Life-time of the ſaid *Charles* Duke of *Marlborough*: If that Caſe ſhall happen, and ſuch Son ſhall not for the Space of five Years after his Attainment of the ſaid Age, do or ſuffer, or agree to do or ſuffer any Act whereby all or any of the Eſtates, Remainders, Limitations, or Uſes in the ſaid late Duke of *Marlborough*'s Will declared or expreſſed, may be defeated or barred:

Then, and in ſuch Caſe, *I give* and bequeath to the ſaid Lord *Charles Spencer*, (if he ſhall not then be the eldeſt or only Son of the ſaid *Charles* Duke of *Marlborough*) and to the ſaid Ladies *Diana* and *Elizabeth*, or ſuch of them who ſhall be living when the ſaid eldeſt or only Son ſo next intitled,

titled, ſhall attain his Age of 21 Years, the Sum of 5000 *l.* a-piece, to be paid to them reſpectively without Intereſt, at the End of five Years after the ſaid eldeſt or only Son ſo intitled in Remainder to the ſaid late Duke of *Marlborough*'s Eſtates, ſhall attain his ſaid Age of 21 Years.

But if the ſaid Lord *Charles Spencer*, ſhall happen to be ſuch eldeſt or only Son, his Legacy to ceaſe, and the Legacies of 5000 *l.* a-piece, only to be payable to the ſaid Ladies *Diana* and *Elizabeth Spencer* upon the Contingencies aforeſaid.

Provided always, and it is my Will, That in Caſe the ſaid *Charles* Duke of *Marlborough* ſhall die before ſuch his Eldeſt or only Son ſhall attain the Age of twenty-one Years, or if ſuch Eldeſt or only Son, who ſhall attain that Age in his Father's Life-time, ſhall within the ſaid Space of five Years after, do or ſuffer, or agree to do or ſuffer any Act for the barring or defeating all or any the Eſtates, Remainders, Limitations, or Uſes in the ſaid late Duke of *Marlborough*'s Will, or in Caſe the ſaid Lord *Charles Spencer* ſhall then

be

be the Eldeſt or only Son of the ſaid *Charles* Duke of *Marlborough*, or dead, and the ſaid Ladies *Diana* and *Elizabeth Spencer* ſhall be then alſo dead; in each and every of the ſaid Caſes, I declare the Bequeſt hereby made of ſuch Legacies to the ſaid Younger Son and Daughters of the ſaid *Charles* Duke of *Marlborough* to be null and void; which Legacies hereby given upon the Contingencies aforeſaid, to the ſaid younger Children of the ſaid *Charles* Duke of *Marlborough*, in Caſe by the Act of their Elder Brother they ſhall not be prevented from having the Benefit thereof, with what they will be entitled to of their Mother's Fortune by means of the Agreement, or Settlement made on their Father and Mother's Marriage may be a competent Proviſion for them.

And whereas I have in and by my ſaid Will and Teſtament given and deviſed unto the ſaid *Hugh* Earl of *Marchmont* and *Beverſham Filmer*, the Bulk of my Freehold, Copyhold, and Leaſehold Eſtates, *In Truſt* for the ſeveral Perſons, and for the ſeveral Eſtates, Uſes, Intents, and Purpoſes therein

therein particularly mentioned: And from and after the Determination thereof, and ſubject thereto. *In Truſt* for ſuch Perſon or Perſons, and for ſuch Eſtate and Eſtates, Uſes, Intents and Purpoſes, as I ſhould by any Will, Codicil, or other Writing by me to be ſigned in the Preſence of three or more credible Witneſſes, declare, direct, limit, or appoint, or to that Effect.

And whereas I have by my ſaid Will directed the Reſidue of my Perſonal Eſtate, after Payment of and ſubject to the Legacies and Gifts therein mentioned, to be laid out in the Purchaſe of Lands and Hereditaments to be ſettled to and for the like Uſes and Purpoſes as the ſaid Bulk of my ſaid Real Eſtates is by my ſaid Will to go unto, or to that Effect.

And whereas I have alſo by my ſaid Will given and deviſed unto the ſame Truſtees my Manor of *Wimbledon*, and my Freehold and Leaſehold Eſtates in *Wimbledon* in the County of *Surry*, upon divers other Truſts, and ſubject to divers Limitations in my ſaid Will contained; and afterwards *In Truſt* for ſuch Perſon or Per-

ſons, and for ſuch Eſtate and Eſtates, Uſes, Intents and Purpoſes as I ſhould by any Will, Codicil, or other Writing by me to be ſigned, in the Preſence of three or more credible Witneſſes declare, direct, limit, or appoint, or to that Effect, as in and by my ſaid Will, whereto for greater Certainty I refer, will appear:

Now I do hereby ratify and confirm all and every the Eſtates, Deviſes and Limitations, Uſes, Truſts and Powers in my ſaid Will contained or ſpecified, not hereby intending to revoke, vary, or alter the ſame in any reſpect whatſoever; *But* intending only to give, deviſe, and bequeath ſo much of my Eſtate and Intereſt in my ſaid Freehold, Copyhold and Leaſehold Eſtates and Lands to be purchaſed with the Reſidue of my Perſonal Eſtate, as I have not already diſpoſed of, in and by my ſaid Will.

And to that End I do hereby, in purſuance of the Powers reſerved by my ſaid Will, give, deviſe and bequeath, ſubject nevertheleſs to the ſeveral Eſtates, Uſes, Truſts, Intents and Purpoſes in my ſaid Will mentioned, as the ſame ſhall reſpectively

tively determine, my ſaid undiſpoſed Eſtate and Intereſt in my ſaid Freehold, Copyhold, and Leaſehold Eſtates and Lands to be purchaſed with the Reſidue of my perſonal Eſtate reſpectively, unto and among the Perſons hereafter named, in manner following; that is to ſay, *I ſo give*, deviſe, and bequeath unto the ſaid *Thomas* Duke of *Leeds*, his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to my real Eſtate, late, or ſome time of Mr. *Robotham*, lying in or near *St. Albans*, in the County of *Hertford*: As alſo in and to my Leaſehold Eſtate in *Romney-Marſh* in the County of *Kent*, making it my Requeſt to him not to ſell or diſpoſe of the Manors and Lands that were my late Father's or Mother's, which may happen to come to him:

I give and deviſe to the ſaid *Philip* Earl of *Cheſterfield*, his Heirs, Executors and Aſſigns, according to the Nature of the Eſtates reſpectively, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to my Manor of *Wimbledon* in the County of *Surry*, and all my Freehold and Leaſehold

Lands and Hereditaments at *Wimbledon* aforesaid: And also in and to my Manor, Lands and Hereditaments in the County of *Northampton*, late the Estate of Sir *William Norwich* Bart. And also in and to my Manor, Lands and Hereditaments in the County of *Surry*, late the Estate of *Richard Holditch*, Esq; And it is my Desire, that the Furniture of *Wimbledon* House go to the said Earl of *Chesterfield* therewith, in case the said Estates at *Wimbledon* shall happen to belong to him by virtue hereof.

I give and devise to the said *Robert Maccarty*, called Earl of *Clancarty*, his Heirs and Assigns for ever, my Estate and Interest undisposed of by my said Will, in and to all my Manor, Messuage, Lands and Hereditaments in the County of *Buckingham*, late the Estate of *Robert Knight*, Esq;

To the said *William Pitt*, his Heirs, Executors and Assigns for ever, according to the Nature of the Estates respectively, my Estate and Interest undisposed of by my said Will, in and to all and every my Manors, Advowson, Messuages, Lands, Tenements, Tythes and Hereditaments in the said County of

of *Buckingham*, which were late the Eſtate of *Richard Hampden* Eſq; deceaſed; and in and to my Manors, Advowſons, Lands and Hereditaments, Freehold, Copyhold and Leaſehold, in the County of *Stafford*, late the Eſtate of *Thomas* Lord Viſcount *Fauconberg*; and in and to my Manor, Advowſons, Park, Lands, and Hereditaments in the County of *Northampton*, ſome time the Eſtate of *Nathaniel* Lord *Crew*, Lord Biſhop of *Durham* deceaſed.

And to , *Biſhop* Eſq; my Godſon, Son of Sir *Cecil Biſhop* Bart. his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to my Manor, Lands and Hereditaments in the County of *Oxford*, late the Eſtate of the ſaid Sir *Cecil Biſhop* his Father, deſiring the Furniture of my Dwelling-houſe there may go along therewith.

I likewiſe give and deviſe to the ſaid *Hugh* Earl of *Marchmont*, his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to all that my Manor, Rectory, Advowſon, Capital Meſſuage, Meſſuages, Lands, Tenements, Tythes

and

and Hereditaments in the ſaid County of *Buckingham*, late the Eſtate of Sir *John Witteronge* Baronet. And alſo in and to my Manor, or reputed Manor, and my Freehold Meſſuages, Lands and Hereditaments in the ſame County, late or ſome time the Eſtate of Sir *Thomas Tyrrel* Bart. deceaſed; and in and to my Leaſehold Eſtate therewith enjoyed for the Reſidue of the Term that ſhall happen to be therein.

I alſo give and deviſe to the ſaid *Thomas* Lord Biſhop of *Oxford*, his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to my Manor and Capital Meſſuage, and Freehold and Copyhold Meſſuages, Lands, Tenements and Hereditaments in the County of *Bedford*, late the Eſtate of Sir *John Meres* Knt.

And to the ſaid *Beverſham Filmer*, his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to my Manor, Meſſuages, Lands, Tenements, Tythes, Rents and Hereditaments in the Counties of *Leiceſter* and *Northampton*, late the Eſtate of Sir *Thomas Cave* Bart. and Dame *Elizabeth* his Wife, or one of them.

And

And to the ſaid Dr. *James Stevens*, his Heirs and Aſſigns for ever, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to all my Manor, Meſſuages, Advowſons, Farms, Lands, Tenements and Hereditaments in the County of *Berks*, late the Eſtate of *Robert Packer* Eſq; and in and to my Manor, Meſſuages, Lands and Hereditaments in the ſame County, late the Eſtate of *Richard Jones* Eſq; and *William Jones* his Son, or one of them, and in and to my Meſſuage, Lands and Hereditaments in the ſame County, late the Eſtate of *Thomas Bedford* Clerk, and *Temperance Bedford* his Mother, or one of them; and in and to my Manor, Meſſuages, Lands and Hereditaments in the County of *Huntingdon*, late the Eſtate of *William Aſtel* Eſq;

And to my ſaid Grandſon *John Spencer*, his Heirs, Executors and Aſſigns for ever, according to the Nature of the Eſtates reſpectively, my Eſtate and Intereſt undiſpoſed of by my ſaid Will, in and to all thoſe my Manors, Lands, Tenements, Rectories, Tythes and Hereditaments, Freehold,

Copyhold,

Copyhold, and Leasehold, in the Counties of *Norfolk*, *Bedford*, *Oxford*, and *Northampton*, which were formerly the Estate of *Gabriel Armiger* Esq; *Peter Floyer*, *Francis Hawes*, *Edward Snagg*, and *Bromsall Throckmorton*, Esqrs. and Mrs. *Elizabeth Wiseman*, and *John Culleford* and *Mary* his Wife, every, any, or either of them.

And also my Estate and Interest undisposed of by my said Will, in and to all other my Manors, Lands, and Hereditaments not by this Codicil otherwise given or devised. And also my Estate and Interest undisposed of by my said Will, in and to the Lands and Hereditaments to be purchased with the Residue of my personal Estate: All which Devises of my said undisposed Estate and Interest in my said real Copyhold and Leasehold Estates, and in and to the Lands to be purchased with the Residue of my personal Estate by this Codicil, unto the several and respective Devisees therein named, and to take Effect only by way of Remainder, and subject and without Prejudice to the said several Uses, Interests, and Purposes in my said last Will and Testament mentioned.

In

In Witness whereof, I have to this my Writing, contained in this and three preceding Skins of Parchment, (which I declare to be a Codicil to my said last Will and Testament, and which is to be accepted and taken as Part thereof) set my Hand and Seal; to wit, my Hand to the Bottom of each of the said three preceding Skins, and my Hand and Seal to this last Skin, and my Seal at the Top of the first of the said Skins, where all the said Skins are fixed together, this 15th Day of *August* in the Year of our Lord 1744.

SARAH MARLBOROUGH.

The Writing contained in this and the three preceding Skins of Parchment, was signed and sealed by the above named *Sarah*, Duchess Dowager of *Marlborough*, and by her published and declared as and for her Codicil to her Last Will and Testament, in the Presence of Us who have hereunder subscribed our Names, as Witnesses thereto, in her Presence, and in the Presence of each other.—The Word

Ten in the 40th Line of the first Skin, being first written on a Rasure from a Mistake in the Sum given to Mr. *Pitt* for a Legacy:

Sandwich.
Geo. Heathcote.
Henry Marshal.
Richard Hoare.

Proved at *London*, before the Worshipful *John Bettesworth*, Doctor of Law, Master Keeper or Commissary of the Prerogative Court of *Canterbury*, on the Second Day of *November*, 1744, by the Oaths of the Right Honourable *Hugh* Earl of *Marchmont*, *Thomas* Lord Bishop of *Oxford*, *Beversham Filmer*, and *James Stephens*, the Executors.

FINIS.

Clause in a Will for divesting an Estate
& to apply to Parliament & that expences to be borne
of the Estate.

Provided ~~always~~ & I do hereby declare my
Will to be that in Case by the Death & failure of
Issue Male of the Body of C. of — the C Estate shall
come to or vest in the sd C. or any Issue Male of
his Body ~~or~~ in the sd I C or any Issue Male of his
Body that then & in such Case my sd Manors &c
shall be divest out of such of them the sd C & I C
& out of the Issue Male of the Body of such of them
to whom the sd C Estate shall so come as aforesd
& shall go over & remain unto & be held & enjoyed
by such person or Persons as by Virtue of the Limits
to be contained in such Settlement so by me directed to
be made as aforesd will be then entitled to take &
enjoy my sd Estate in Remr Next immediately
after the Determination of the Use Estate
hereby directed to be limited to the persons to whom
the sd C Estate shall so come or descend as aforesd
& to his Issue Male in Such & the same & in such
& the same Order & Succession & with such & the
same Powers to all Intents & purposes as if the
person to whom the sd C Est: shall so come or
descend was actually dead without Sons & there
had been a total failure of Issue Male of his Body
(but Nevertheless without prejudice to any Act done
Charge made & Execution of all or any of the
Powers by me directed to be inserted ~~in the~~ such settlement
as aforesd & forasmuch as my sd Intention relating

to such divesting as aforesd cannot be effected without the aid & authority of Parliament my Will is & I do hereby desire & direct the sd A B — his Heirs & Ass in due Time to use his Endeavours for obtaining an Act of Parliament for effectuating the purposes aforesd & my Will is & I do hereby further order & direct that all & every the Charges and Expenses incident to the passing of such Act shall be pd & discharged out of the Rents & Profits of my sd real Estate & subject thereunto that he the sd A B or his Heirs shall pay the Residue & Surplus of the same Rents & Profits to such person or Persons as by Virtue of & under the Limitns hereby directed to be limited wd be entitled thereto in case such Settlement was actually made.

Clause in Mr Seatons Will. &c

I give my Hesling bury Estate to the University of Cambridge for Ever, the Rents of which shall be disposed of yearly by the Vice Chancellor for the Time being & the Vice Chancellor the Master of Clare Hall, and the Greek Professor for the Time being or any two of them shall agree, which three persons aforesaid shall give out a Subject, which Subject shall be for the first year be one or other of the Perfections or Attributes of the Supreme Being and so the succeeding years till the Subject is exhausted and afterwards the Subject shall be either Death Judgment Heaven Hell Purity of Heart. &c or whatever Else may be judged by the Vice Chancellors Master of Clare Hall & Greek Professor, to be most Conducive to the Honor of the Supreme Being & Recommendation of Virtue & they shall yearly dispose of the Rest of the above Estate to that Master of Arts, whose Poem on the Subject shall be best approved by them which Poem I ordain to be always in English & to be printed; the Expence of which shall be deducted out of the Product of the Estate and the Residue given as a Reward for the composer of the Poem or Ode or Copy of Verses,

Legacy to a Charity.

I give & bequeath unto A B & C D the sum of upon Trust & to the Intent that they or one of them do pay the same to the Treasurer or Treasurers for the time being of a Society who now call themselves

which said sum of — I desire may be paid out of my personal Estate and applied towards carrying on the charitable Designs of the said Society.

Devise of Copyhold to the same uses as Freehold.

I give & devise all my Copyhold mes.s &c (which I have surrendered &c) & all my Estate Rt Title Int.st of & in &c unto the several persons to whose Use I have hereinbefore

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Proviso for dispensing Jointure &c & making Leases, (by way of Reference)

Provided also & I do hereby further declare my Will to be that in such Settlement so to be made by the sd A B his Heirs or Ass.s pursuant to the Trusts hereby declared as afores.d there shall be inserted & contained such & the same Provisions for enabling the

said A C & I C respectively as & when they shall respectively come into possession of any of the sd Manors &c to grant & appoint such Rents charge for the Jointure & Jointures of their Respective Wives & such Means & Remedies for securing the Payment thereof & to grant such Leases of the Premises aforesd or any part thereof for such Term or number of Years in such Manner & under such Restrictions as aforesd as are herein before by me given & reserved to the sd I M & C M as aforesd

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Clause for divesting Estate & to apply to Parliament & Expences to be paid out of the Estate.

Provided also and I do hereby declare my Will to be that in case by the Death & failure of Issue Male of the Body of C of the Estates shall come to or vest in the sd A C or any Issue Male of his Body or in the sd I C or any Issue Male of his Body that

then & in such case any the said Manors &c
shall devise out of such of them the said A &
B or out of Issue Male of the Body of such
of them to whom the said Estate
shall so come as aforesd & shall go over &
Remain unto & be held & Injoyed by such
Person or Persons as by Virtue of the
Limits to be contained in such Settlement
by me directed to be made as aforesd will be
then entitled to take & Injoy my sd Estate
in Remr next Immediately after the determt
of the Use & Estate hereby directed to be
Limited to the person to whom the sd C
Estate shall so come or descend as aforesd
& to his Issue Male in such & the same
& in such & the same Order & Succession
& with such & the same powers to all
Intents & purposes as if the person
to whom the sd C Estate shall so come or
descend as aforesd ~~& to his Issue Male~~
was actually dead without Sons & there

had been a total failure of Issue Male
of his Body (but nevertheless without prejudice
to any Act done or Charge made in breach
of all or any of the powers by me directed
to be inserted in such Settlement as aforesd)
and for asmuch as my said Intention relating
to such divesting as aforesd cannot be
effected without the Aid & authority of
Parliament my Will is & I do hereby desire
& direct the sd A B his Heirs & Ass in
due Time to use his Endeavours for
Obtaining An Act of Parliament for effecting
the purposes aforesd and my Will is & I do
hereby further order & direct that all &
every the Charges & expences incident to
the passing of such Act shall be paid
& discharged out of the Rents & Profits
of my sd real Estate & Subject thereto
that the the sd A B or his ~~Heirs~~ Heirs shall
pay the Residue & Surplus of the same

Rents & profits to such person or persons as by Virtue of & under the limits hereby directed to be limited would be entitled thereto In Case such Settlement was actually made.

A Will of Lands

I A B of — in the County of — Yeoman do make this my last Will & first I give & devise unto C D of — all & every my Mess Lands Tenements & Hereditaments with the appurts whereof I am seized in Fee situate lying & being in — in the County of — and now or late in the several Tenures or occupations of — and — or one of them their or one of their assigns Lessees or Under Tenants to Have & to hold all & every the said Mess Lands Tenents & Hereditts with the appurts to Him the said C D his Heirs & assigns for ever

Also I give and devise to my Son G B all that my Freehold Land lying in

a Field called — field near unto —
to Hold unto the said C for Term of his
Life and after his Decease to my Grand
Daugr. & B her Heirs & Assr. for ever.

Also I give & devise unto I K. of
all my Copyhold Messr. Lands Tenements
& Hereditaments and which I have surrendr.
to the Use of my Will. Situate lying & being
at and Holden of & under the Manor
of — and which now are or lately were
in the several Tenures or Occupations of —
and — or one of them their or one of their
Assr. Lessees or under Tenants to Have
& to Hold to the said I K & to the Heirs
of his Body lawfully begotten and for
default of such Heirs then to the Right
Heirs of me the said A B for ever.

In Witness Whereof I have hereunto
set my hand & Seal the — Day of — in the Year
of our Lord — A B. (+)

Signed declared & published
as & for his last Will & Testment
in the presence of us who subscribed
our Names as Witnesses in the Testators Presence & at his

of Goods.

In the name of God Amen. I A B of — in the County of — Yeoman do this ~~day~~ — Day of in the year of our Lord — make & publish this my last Will & Testament in manner following

First I desire to be decently & privately buried in the Church Yard belonging to the Parish in which I shall happen to die without any funeral Pomp and with as little Expence as may be and I give & bequeath unto the Poor of the same Parish the Sum of — to be distributed in such Proportions & manner as my Executrix hereinafter named shall think fit.

Also I give & bequeath unto my Eldest Son J B the Sum of —

I give & bequeath to my Second Son J B the Sum of — to be paid to my said Sons J B & J B so soon as one Year after my Decease shall be Expired.

Also I do forgive unto J M the Sum of out of the principal Sum of

which he owes to me upon Bond

Also I give to my Grand daughters A & B Children of my Daugr C the Sum of — apeice to be paid to them Respectly at their Respective Ages of 21 years or days of Marr which shall first happen the Same to be put out to Interest at the Discretion of my Executrix and the Interest Accruing therefrom to be applied to their Education and Maintenance respectly until their Said Respective Ages or Marr: And in case either of them shall die before the Age of 21 years or Marr then I give the Share of her so dying to the Survr of them. And if both of my said Grand daughters shall happen to die before the Attaining their Respective Ages of 21 years or Marriage then I give the whole of the said Several Sums unto my Daugr D if she shall be then Living

Also I give to my Wife E B during her Life the Use to sell my Plate & Household Goods & Furniture and after her Decease to remain to my Son J B.

All the Rest & Residue of my Personal Est. Whatsoever & wheresoever and of what Nature Kind or Quality soever the same may be and wherever before Given & disposed of after Payment of my Debts Legacies and funeral Expenses I do give & bequeath unto my Wife E B her Exors Admrs & Ass. to & for Her & their own proper Use & Benefit Absolutely. and I do hereby Constitute & appoint my said Wife E B sole Exor of this my last Will & Testamt.

In Witness whereof I have hereunto set my Hand and Seal the Day & year first Above written. A B. ⊗

signed declared & published as and for his last Will & Testamt. in the presence of Us.

Appointment of a Guardian by Will

Also for the better Educating of my Children A B & C I do give and dispose of the Tuition and Custody of them and every of them unto my Wife E B for such Time as they or any of them continue unmarried and under the Age of one twenty years and my said Wife remains my Widow. but if my said Wife shall die or marry during the single life and Nonage of any of my Said Children then I give the Custody and Tuition of such of my Children so being Unmarried and under the Age of 21 years at the Marriage or Death of my Wife unto my Said Executor. E F.

Also I do hereby authorize Impower & direct my Said Executor and his Ext or Extrs for and after my Decease until the aforesd G B shall attain his Age of 21 years to manage & Improve the Estate and Fortune of Him the said G B by me hereby given Him for his Use & Benefit and to Lease all or any part of his Freehold Copyhold or Leasehold

Estates and to Lend or place out on Security or Securities at Interest or otherwise improve according to his or their Discretion or Discretions all or any part of the Monies belonging to or arising from the said Estates and Fortune of the said E G and to pay unto and account with Him the said E G for all such Rents Interests produce and Improvements as shall arise from or be made of and produced by the said Estates Monies and Fortune hereby given and devised to Him when He shall attain his Age of 21 Years.

Nuncupative Will

The last Will & Testament of A B of in the County of , deceased declared by Him by Word of Mouth the Day of in the Presence of us who have hereunto subscribed our Names as Witnesses thereof.

My Mind & Will is — (here insert the very Words) In Witness whereof we have hereunto set our Hand the Day of in the Year of Our Lord